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LOK SABHA DEBATES

(Part I—Questions and Answers)

(Vol. I contains Nos. 1—20)

LOK SABHA SECRETARIAT
NEW DELHI

FOUR ANNAS (INLAND) ONE SHILLING (FOREIGN)

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LOK SABHA

Tuesday, 15th March, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

सेना के रक्षित (रिजर्व) कर्मचारी

*९५५. श्री भक्त दर्शन : क्या रक्षा मंत्री १२ दिसम्बर, १९५४ को दिये गये तारांकित प्रश्न संख्या १०७८ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या विभिन्न राज्य सरकारों द्वारा सेना के रक्षित कर्मचारियों को अब तक उपयुक्त नौकरियां दिये जा चुकने के बारे में आंकड़े प्राप्त हो गये हैं, और

(ख) यदि हां, तो क्या उनको सभा के पटल पर रखा जायेगा ?

रक्षा उपमंत्री (सरदार मजीठिया): (क) और (ख). जिन राज्यों के बारे में सूचना इकट्ठी हो गई है उसका एक विवरण सभा के पटल पर रखा है। [देखिए परिशिष्ट ६, अनुबन्ध संख्या १६] बाकी राज्यों के बारे में सूचना मिलने पर वह प्रस्तुत की जायेगी।

श्री भक्त दर्शन : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि जिन रिजर्व सैनिकों को अब तक नौकरियां दी जा चुकी हैं और जो अभी तक रिजर्व में हैं उन के बीच में क्या अनुपात है, क्या रंशो है ?

सरदार मजीठिया : इस के लिए नोटिस चाहिये।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि राज्य सरकारों से दुबारा भी यह अनुरोध करने का विचार किया जा रहा है कि वे और अधिक संख्या में इन लोगों को नौकरियां दें ?

सरदार मजीठिया : यह तो कहा जा रहा है।

श्री भक्त दर्शन : क्या सरकार इस बात पर भी विचार कर रही है कि स्वयं केन्द्रीय सरकार के जो अपने गैर-फौजी विभाग हैं उन में भी इन लोगों को अधिक से अधिक संख्या में लिया जाये ?

सरदार मजीठिया : इस बारे में भी इंस्ट्रक्शंन दे दी गई हैं।

KANDLA CORRUPTION CASE

*956. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to starred question No. 1429 on the 21st December, 1954 and state:

(a) whether the investigation regarding alleged false measurements of earth works in connection with the Kandla-Deesa Railway connection has now been completed; and

(b) if so, the result thereof?

The Deputy Minister of Home Affairs (Shri Datar): (a) Yes.

(b) The final report of the investigation is under examination.

Shri Dabhi: May I know how long it will take?

Shri Datar: It will take a month or so.

YOUTH FESTIVAL (DELHI)

*957. **Shri Keshavaiengar:** Will the Minister of **Education** be pleased to state what is the expenditure incurred on the Youth Festival held in Delhi?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The accounts have not yet been finalised. I may add that an amount of Rs. 2 lakhs had been sanctioned for the festival. The total expenditure incurred in this connection provisionally is Rs. 1,36,000 so far. Bills amounting to Rs. 4,000 have not yet been settled.

Shri Keshavaiengar: May I know whether the Government will consider the possibility of holding the next youth festival somewhere in South India, preferably Bangalore which is centrally situated?

Dr. M. M. Das: The Government will give due consideration to the suggestion of the hon. Member.

Shri S. N. Das: May I know whether any separate organisation or a separate committee was set up to administer this fund which was allotted for this festival?

Dr. M. M. Das: There was no separate Committee, so far I know.

श्री राम दास : इस में कितनी यूनिवर्सिटियां शामिल हुईं और जो यूनिवर्सिटियां शामिल नहीं हो सकीं, उसका क्या कारण था ?

Dr. M. M. Das: Twenty-six universities took part in the festival. The universities of Madras, Osmania, Roorkee, Viswa Bharati and Travancore-Cochin did not send competitors. No reason for non-participation is available with the Ministry.

EXPERT ACCIDENT INVESTIGATION COMMITTEE

*958. **Shri Chinaria:** Will the Minister of **Defence** be pleased to state:

(a) whether there is an Expert Accident Investigation Committee for the Indian Air Force;

(b) whether due heed is given to their findings in the cases investigated by that body; and

(c) the number of cases that were referred to that body during the last two years and the number of those in which action was not taken according to their findings?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). A statement is placed on the Table of the House. [*See* Appendix VI, annexure No. 17.]

शिक्षा के माध्यम के रूप में हिन्दी

*९५९. **श्री कृष्णाचार्य जोशी :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि कितने विश्वविद्यालयों में प्रादेशिक भाषायें या हिन्दी शिक्षा के माध्यम के रूप में स्वीकार कर ली गई हैं ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास): कृपा करके उस उत्तर की ओर ध्यान दीजिए जो १४ अप्रैल, १९५२ को तारांकित प्रश्न संख्या १२८६ के भाग (ख) के सम्बन्ध में दिया गया था और साथ ही उस विवरण को भी देखिए जो बाद में उत्तर में दिलाए गए यकीन को पूरा करने के लिए सदन के सामने रक्खा गया था। मैं माननीय सदस्य महोदय को बताना चाहता हूं कि कुल २६ विश्वविद्यालयों में आवश्यक जानकारी मिलती हैं। २० विश्वविद्यालयों में माध्यम केवल अंग्रेजी हैं और ६ विश्वविद्यालयों में अंग्रेजी, हिन्दी और दूसरी रिजनल लैंग्वेजेज भी हैं।

Shri Krishnacharya Joshi: From the statement it appears that nearly all the universities have English as

the medium of instruction. May I know whether any comprehensive scheme has been evolved to replace English by Hindi or other regional language?

Dr. M. M. Das: The hon. Member will realise that the universities are autonomous bodies. The Central Government has no power to instruct them in this matter.

Shri Krishnacharya Joshi: What are the recommendations of the University Education Commission?

Dr. M. M. Das: The University Education Commission recommends that for the medium of instruction for higher education, English be replaced as early as practicable by an Indian language which cannot be Sanskrit on account of vital difficulties, and that higher education be imparted through the instrumentality of a regional language with the option to use the federal language as the medium of instruction either for some subjects or for all the subjects.

उड़न तश्तरी (इलाहाबाद)

*९६०. **श्री रघुनाथ सिंह :** क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत २१ दिसम्बर को बमरौली (इलाहाबाद) हवाई अड्डे के पास एक नक्षत्र जैसी उड़न तश्तरी उड़ती हुई देखी गयी थी ; और

(ख) यदि हां, तो क्या इसके जानने का कोई प्रयास किया गया ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय): (क) जी, हां ।

(ख) जी, नहीं ।

श्री रघुनाथ सिंह : क्या इस उड़न तश्तरी के बारे में कोई अन्वेषण किया गया है ?

श्री के० डी० मालवीय : इस के बारे में डिफेंस मिनिस्ट्री से और डायरेक्टर जनरल आफ सिविल एवीशन ने जांच पड़ताल की है । डायरेक्टर जनरल सिविल एवीशन का कहना यह है कि एक ऐसा आबजेक्ट २१ तारीख को सवेरे ७-२० पर इलाहाबाद के पास उड़ता हुआ दिखाई दिया था । यह बहुत तेजी से गायब हो गया । इस की ज्यादा जांच पड़ताल नहीं की जा सकती है ।

श्री रघुनाथ सिंह : यह कोई हथियार तो नहीं था जिस का एक्सपेरिमेंट हो रहा हो ?

شرشا تنها پراکر تک سلسادهن لرو

ویگیانک گویشنا ملتری (مولانا آزاد): آپ خود غور کر سکتے ہوں - آپ چاہیں تو ہر بات کے بہت سے پہلو نکال سکتے ہوں -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): You may consider like that you may give it any twist you like.]

Precious Stones (Import Duty)

*961. **Shri Heda:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have received any representation requesting them that re-imports of precious stones shipped abroad may be exempted from import duty; and

(b) if so, what action has been taken thereon?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) No representation regarding the grant of exemption of duty or re-imported precious stones appears to have been received by Government. Indian precious stones are already exempt from duty on their reimportation under section 25 of the Sea Customs Act.

(b) The question does not arise.

Shrimati Tarkeshwari Sinha: May I know the value in terms of money

of the precious stones imported into this country every year?

Shri A. C. Guha: I have not got that information. I do not think this supplementary question will arise.

INDIAN INSTITUTE OF SCIENCE, BANGALORE

*962. **Shri Radha Raman:** Will the Minister of **Education** be pleased to state:

(a) whether there is any proposal before Government to expand the Indian Institute of Science at Bangalore;

(b) if so, the amount needed for the purpose; and

(c) the steps taken so far in the matter?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix VI, annexure No. 18.]

Shri Radha Raman: May I know whether the Government contemplates to start another institute in any other part of the country with the help of any foreign Government?

Dr. M. M. Das: An institute of the same order as the Indian Institute of Science? There is no such proposal, so far I know.

Shri Radhelal Vyas: May I know whether it is a fact that the Director of this Institute has expressed that he is not in need of any more funds, but what he wants is the utilisation of the services of this institution by the Government which has not been properly there.

Dr. M. M. Das: We have no information about this.

श्री एम० एल० द्विवेदी : क्या सरकार इस साइंस के सम्बन्ध में कोई विज्ञान मन्दिर खोलने का विचार रखती हैं और यदि रखती हैं तो कौनसी जगह पर ?

شکشا تکها پراکرتک سلسادھن اور ویگیانک گویشنا ملتری (مولانا آد): جی ہاں لیکن ابھی تک تفصیلات طے نہیں ہوئی ہیں - اس پر غور کیا جا رہا ہے - اسکیم بہت جلد عمل میں لائی جائیگی -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** Yes, but the details have not been finalised yet. It is being considered. The scheme will be enforced soon.]

राष्ट्रीय विश्वविद्यालय शिक्षा निधि

*९६२. **श्री विभूति मिश्र :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच हैं कि सरकार राष्ट्रीय विश्वविद्यालय शिक्षा निधि की स्थापना करने का विचार कर रही हैं, जिसमें विश्वविद्यालयों की वित्तीय स्थिति सुधारने के लिये केन्द्रीय सरकार तथा राज्य सरकारों दोनों ही द्वारा अंशदान दिया जाएगा ; और

(ख) यदि हां, तो इसकी स्थापना कब तक होगी ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास): (क) नहीं, जी ।

(ख) प्रश्न नहीं उठता । फिर भी मैं माननीय सदस्यों को बताना चाहता हूं कि १९५२ में प्रधान मंत्री विश्वविद्यालय आर्थिक सहायता निधि (प्राइम मिनिस्टर्ज एड टू यूनिवर्सिटी फंड) बनाया गया था । इस निधि में कुल ६७,००१ रुपये आज तक मिले हैं । बहुत खुशी की बात हैं कि हमारे रक्षा उपमंत्री सरदार सुरजीत सिंह मजीठिया ने ६०,००० रुपया इस निधि को दिया हैं ।

श्री विभूति मिश्र : मैं जानना चाहता हूं कि इस निधि से जिन जिन यूनिवर्सिटियों को रुपया दिया जाता हैं वह किस अनुपात से दिया जाता हैं ?

डा० एम० एम० दास : इस निधि से कोई रुपया अभी तक नहीं दिया गया हैं ।

श्री विभूति मिश्र : क्या रुपया देने के लिए सरकार ने कोई सिद्धान्त बनाया है कि उस सिद्धान्त से देंगी ?

شکشا تتھا پراکتک سلسادھن اور ریکھانک کویھنا ملتری (مولانا آزاد) : یونیورسٹی گرانٹس کمیشن دیگا - اور وھی فیصلہ کریگا کہ کس یونیورسٹی کو اور کس کام کے لئے دینا چاھئے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): This will be done by the Universities Grants Commission, who will decide which university is to be paid the contribution and for what purpose.]

CO-OPERATIVE DEPARTMENTS

*964. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that an agreement was arrived at between the Co-operative Departments of the East and West Punjabs regarding the blocked assets of the various Co-operative finance institutions in the two countries;

(b) if so, whether that agreement is being implemented; and

(c) if not, the reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir; an inter-dominion agreement was arrived at in April, 1949, regarding co-operative institutions in the two Punjabs.

(b) and (c). The agreement has been partially implemented. Further progress has not been possible as certain controversial issues have arisen between the two Punjabs out of the working of the agreement. All the disputed matters relating to the agreement are expected to be further discussed shortly by the representatives of the two Governments.

Dr. Ram Subhag Singh: May I know the total amount of money belonging to the various co-operative institutions which is lying with Pakistan and what part of that money was released by Pakistan in partial implementation of that agreement as the Minister said?

Shri A. C. Guha: If by Pakistan the hon. Member means both the sectors of Pakistan, I have not got that information with me. As for East and West Punjab, the total amount involved was Rs. 226 lakhs to be paid by the Punjab Co-operative Bank Limited of Lahore to the East Punjab Co-operative Bank, out of which Rs. 1,45,65,000 worth of securities have been transferred and the remaining amount of about Rs. 80 lakhs is still under some discussion.

Dr. Ram Subhag Singh: The hon. Minister said that this matter will be shortly discussed. May I know whether this will be discussed by the Steering Committee of the two Governments or there will be further discussion between the two Prime Ministers?

Shri A. C. Guha: I think it will not go to the Prime Ministers. The discussion was really between the two co-operative banks of the East and West Punjabs. There were several sittings and certain tentative agreements have also been reached, but those agreements have not been ratified by the West Punjab Government, and unless those agreements are ratified, they cannot be implemented and that is now the point under discussion.

Dr. Ram Subhag Singh: May I know the machinery which will be created for discussing this matter, since as the Minister said it is not going to be discussed by the Steering Committee?

Shri A. C. Guha: I have not said about the Steering Committee. I have said that I do not think this matter will go up to the Prime Minis-

ter stage. I think it will be discussed at the official level. Anyhow, for definite information, I would like to have notice.

RESERVE BANK ACCOUNTS

*965. **Shri K. C. Sodhia:** Will the Minister of **Finance** be pleased to state:

(a) the amount of remuneration paid to the auditors of the Reserve Bank of India for their last audit; and

(b) since when the present auditors have been auditing the accounts?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The amount of remuneration fixed for each of the three auditors of the Reserve Bank of India appointed by the Central Government under section 50 of the Reserve Bank of India Act, 1934, was Rs. 7,500 for the year 1953-54 (July, 1953, to June, 1954).

(b) The present auditors are auditing the accounts of the Bank almost from its inception.

Shri K. C. Sodhia: Who fixes these fees and on what basis?

Shri A. C. Guha: Originally the remuneration was fixed by the Central Board of the Bank, and the auditors were also elected at the annual general meeting of the Bank, but since the nationalisation of the Bank now, the remuneration is fixed by the Central Government.

Shri K. Sodhia: Is it a fixed amount or is it fixed on the basis of the Bank's profits?

Shri A. C. Guha: It is a fixed amount. It is now Rs. 7,500 for 1953-54 and I think this amount is going so for the last two or three years.

DISCLOSURE OF SECRET MATTERS BY GOVERNMENT EMPLOYEES

*966. **Th. Lakshman Singh Charak:** Will the Minister of **Home Affairs** be pleased to state whether any cases of retired Government servants who have divulged secrets of Government have come to notice recently?

The Deputy Minister of Home Affairs (Shri Datar): No.

Th. Lakshman Singh Charak: May I know if it has been included in the terms of the grant of pension that those Government officers will be bound by the Official Secrets Act not to divulge any secret that they have come across during the course of their duties?

Shri Datar: That is not necessary at all. Under the Government Servants Conduct Rules they have to maintain good conduct, and secondly, if they commit any of the offences under the Official Secrets Act, they are liable to punishment also.

Th. Lakshman Singh Charak: Even after retirement?

Shri Datar: Even after retirement.

Shrimati Tarkeshwari Sinha: May I know whether some cases of retired officers have come to the notice of the Government, who have somehow managed to commute their whole pension and gone over to Pakistan and have divulged some secrets there?

Shri Datar: We have not come across any such instances.

श्री भक्त दर्शन : क्या यह सत्य है कि हमारे रक्षा-विभाग के एक मेजर जनरल साहब अभी कुछ दिन पहले रिटायर हुए, उन्होंने पेंशन प्राप्त की और उसके बाद अपना सारा सामान लेकर पाकिस्तान चले गये । क्या उनके खिलाफ कोई कार्रवाई की गयी है ?

श्री दातार : गवर्नमेंट को कुछ मालूमी नहीं है ।

WELFARE EXTENSION PROJECTS IN PUNJAB

*967. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state the progress of work so far in

the Welfare Extension Projects in Punjab?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The requisite information is given in the attached statement. [*See* Appendix VI, annexure No. 19.]

Shri D. C. Sharma: May I know if these centres were selected on the basis of the recommendation by the State or on some other consideration?

Dr. M. M. Das: The State Advisory Committee makes the recommendations.

Shri D. C. Sharma: May I know how much money has been allotted for these centres?

Dr. M. M. Das: That figure is not at present with me, but the total expenditure for each project will be Rs. 50,000 out of which 50 per cent. will be paid by the Central Social Welfare Board and 50 per cent. will have to be collected by the State Social Welfare Board.

Shri D. C. Sharma: May I know if it is the policy of the Government to open these social welfare centres in every district of the Punjab?

Dr. M. M. Das: Not only in all the districts of Punjab, but all over India, in all the districts of India. That is the policy.

Budhist Temple

*969. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that a Budhist temple belonging to the post-Gupta period has been unearthed through archaeological excavations on the outskirts of Raipur village in Madhya Pradesh;

(b) what sort of images have been found there; and

(c) whether any stone inscriptions have been discovered which can testify to the post-Gupta period?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) If the reference is to Sirpur, 37 miles from Raipur, the answer is in the affirmative.

(b) Mainly Buddhist images.

(c) Yes.

Shri S. C. Samanta: What is the opinion of the archaeologists there as to by whom this temple might have been built?

Dr. M. M. Das: An inscription of 14 lines has been found which tells us that one Balarjun most probably was connected with the setting up of this Mandir. This Balarjun is evidently no other than Maha Shiva Gupta of the Pandava dynasty of Southern Koshal.

Shri S. C. Samanta: May I know what evidence has been found there to ascribe this to the post-Gupta age?

Mr. Speaker: I am afraid questions of this type can better be answered through the medium of a statement being laid on the Table of the House instead of taking the time of the House for going into the research.

شکشا تتھا پراکرتک سنسادھن اور ویگیانک گویشنا منتری (مولانا آزاد): اور دوسرے یہ ساری کارروائی ساگر یونیورسٹی نے کی ہے - اس لئے اس کی تمام تفصیلات بھی ہمارے پاس نہیں ہیں -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** Moreover all this work has been done by the Saugor University. Hence, we do not possess all the details.]

Solar Energy

*970. **Shri Gidwani:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the attention of Government has been drawn to a statement made by the Chairman of the

Indian Atomic Commission that Solar energy could be used for air-conditioning houses in India; and

(b) if so, whether any steps are being taken in that direction?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). Yes, Sir. Work in this connection is being carried out in the National Physical Laboratory, New Delhi.

Shri Gidwani: May I know whether the economics of utilising solar energy has been examined, and if so, will it be possible for the common man to make use of it?

Shri K. D. Malaviya: Just now, experiments are being conducted to utilise solar energy for cooling purposes in different ways. I will invite the hon. Member to go and visit the Physical Laboratory where experiments are going on. He will get a much better idea than by putting questions.

Shri Meghnad Saha: May I know if the hon. Minister's attention has been drawn to a statement in an American book "Putnam's Energy Sources" that a market for a hundred million solar cookers has been created in this country?

Shri K. D. Malaviya: I have no information about this.

Insurance Companies

*974. **Shri Ibrahim:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that Government have fixed a limit on the reduction allowed by the Insurance Companies on the normal premium rates for the staff Insurance Schemes conducted by them; and

(b) if so, the reasons therefor?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No.

(b) Does not arise.

Customs Staff

*975. **Shri Sarangadhar Das:** Will the Minister of **Finance** be pleased to lay on the Table of the House a statement showing:

(a) the total number of customs staff who became unemployed in consequence of the merger of the French Settlements with the Indian Union and the abolition of the Customs restrictions;

(b) how many of them have been provided with alternative jobs; and

(c) the steps taken or proposed to be taken to absorb the remaining persons in other Government offices?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) to (c). A statement is laid on the Table of the House showing the staff according to different categories, employed on the borders of the French Settlements in India at the time of their *de facto* transfer to the Indian Union and how they have been or are proposed to be absorbed in the existing or future vacancies. [*See* Appendix VI, annexure No. 20.] It will be seen that the intention is to find all these persons alternative employment in the same Collectorate or other Central Excise Collectorates, and not to declare anyone as surplus as far as possible.

Shri Sarangadhar Das: May I know whether, in view of the fact that this section of the customs service is a part of the Union service, it is not incumbent on Government to absorb all of them either in the Madras Collectorate or elsewhere?

Shri A. C. Guha: I have already stated that the intention of Government is not to declare anyone surplus. If they are ready to go outside this Collectorate, surely they will be absorbed. Morever, we have been trying to get some of them absorbed in the railways and other allied India Government services. If these officers are ready to go outside their own Collectorate, I am sure they will

be absorbed in some other posts in the Central Excise Department.

NATIONAL COUNCIL OF CHILD EDUCATION

*977. **Shri Wodeyar:** Will the Minister of **Education** be pleased to state:

(a) whether the attention of Government has been drawn to the suggestion for the formation of a National Council of Child Education made in the Presidential address to the All India Child Education Conference at Indore;

(b) whether Government have any proposal to set up such a Council;

(c) if so, by what time the Council is likely to be set up; and

(d) what will be its main functions?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) No.

(b) No.

(c) and (d). Do not arise. I may add that there exists a National Committee on Early Childhood Education, which is a sub-committee of the Central Advisory Board of Education.

Shri S. N. Das: May I know why the Central Government are so unkind to children that they are taking steps for so many other things, but not for children?

Dr. M. M. Das: It is wrong to presume that the Central Government are not taking any steps. In fact, a scheme has been formulated, and under that scheme, the Central Government have granted to six State Governments a sum of Rs. 1,35,302, during the current year.

HINDI PROFESSOR

*979. **Ch. Raghubir Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that some financial assistance was given to a Hindi Professor in Italy;

(b) if so, the name of that professor; and

(c) how he was selected?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) Professor Ram Singh Tomar.

(c) On the basis of the recommendation of the University concerned.

Ch. Raghubir Singh: May I know the number of applicants who applied for this assistance?

شکشا تتھا پراکرتک سلسادھن اور ویگیانک کویشنا ملتری (مولانا آزاد): یہ صرف ایک ہی کیس ہے اٹلی کا۔

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** There is only one case, from Italy.]

Mr. Speaker: There is only one case.

TRANSLATION OF CENTRAL ACTS

*980. **Shri M. S. Gurupadaswamy:** Will the Minister of **Law** be pleased to state:

(a) whether any unit to translate into Hindi the unrepealed Central Acts is attached to the Ministry;

(b) if so, the strength of the staff;

(c) the progress made in translating the Acts; and

(d) whether there is any proposal to appoint a committee to scrutinise the legal terms of Hindi which are being used in this connection?

The Minister in the Ministry of Law (Shri Pataskar): (a) Yes.

(b) The unit consists of 1 Officer on Special Duty, 7 Translators, 1 Hindi Proof-reader, 1 Hindi Typist, 1 Hindi Stenographer and 3 Clerks.

(c) 220 Acts have so far been translated into Hindi.

(d) Yes.

Shri M. S. Gurupadaswamy: May I know how much money is spent for this purpose?

Shri Pataskar: For that I would require notice.

श्री भक्त दर्शन : क्या मंत्री महोदय जिन कानूनों का हिन्दी में अनुवाद हो चुका है, उनकी प्रतियां इस सदन के सदस्यों को देने की कृपा करेंगे ?

Shri Pataskar: They are published and are available for sale. But of course, if any particular Member wants a copy of any particular Act, that may be supplied to him.

Shri Heda: May I know whether Government have formulated the equivalents of legal terms from English into Hindi?

Shri Pataskar: Yes. So far as the Acts translated are concerned, they have tried their best to put in the proper translation of these words. And now, it is also proposed in consultation with the Education Ministry to appoint an expert committee for legal terms.

श्री एम० एल० द्विवेदी : इन कानूनों की किताबों का जो अनुवाद किया गया है, इसके लिए जो काम करने वाले हैं वह किन शब्दकोषों का सहारा लेते हैं और क्या मंत्रालय ने भी कोई कोष तैयार किया है ?

Shri Pataskar: So far as I know there is no special *kosh* prepared for this. But they try to get information from all possible sources that are available.

Shri Sarangadhar Das: May I know whether it is the policy to translate every legal and technical word into Hindi or to preserve some of the English words that cannot be easily translated?

Shri Pataskar: Wherever possible and feasible they are being translated.

Opium

***981. Dr. Satyawadi:** Will the Minister of **Finance** be pleased to state:

(a) whether any chemical analysis has been undertaken regarding the yielding value of the opium cultivated in different parts of the country so far as morphine bi-sulphide and bi-hydro-chloride are concerned.

(b) if so, the results thereof;

(c) whether it is also a fact that the hill opium is richer than other opium so far as the quantity of morphine etc., is concerned; and

(d) the estimated cost of these chemicals in the country?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). Morphine is the principal alkaloid of opium. The amount of morphine sulphate and morphine hydrochloride which can be obtained from any sample of opium depends upon its morphine content. All consignments of opium received at the Government Opium Factories at Ghazipur and Neemuch from the various growing areas are subjected to chemical analysis and it has been found that the morphine content varies from 9 to 12 per cent.

(c) No, Sir.

(d) A statement showing the selling price of the alkaloids manufactured at the Government Factory is placed on the Table of the Sabha. [*See* Appendix VI, annexure No. 21.]

I would like to add that it is not the policy of Government to disclose the cost of production, because it is a commercial venture of Government having some international competition also.

Dr. Satyawadi: May I know the total production of these chemicals, and the effect of banning poppy cultivation upon this production?

Shri A. C. Guha: I have not got the figure of the total production of this chemical, but I am sure the restriction on poppy cultivation will not affect our requirements of this chemical. We have always kept a watch over that.

Mr. Speaker: I think his question is whether this restriction has affected poppy cultivation.

Shri A. C. Guha: I think it was whether restriction of poppy cultivation has affected the supply of this chemical.

Dr. Satyawadi: Yes.

दिल्ली पुलिस बल

*६९२. **श्री नवल प्रभाकर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) गत पांच वर्षों में दिल्ली पुलिस बल में कितने व्यक्ति भर्ती किये गये हैं, और

(ख) उनमें से कितने अनुसूचित जातियों के हैं ?

गृह-कार्य उपमंत्री (श्री शास्त्री): (क) दिल्ली पुलिस में भर्ती किये गये व्यक्तियों की संख्या इस प्रकार है :-

१९५०	२१९०
१९५१	१३१८
१९५२	७१०
१९५३	१३५५
१९५४	१२८४
१९५५	९०
	६९४७

(ख) अनुसूचित जाति, अनुसूचित आदिम जाति तथा पिछड़े वर्ग के व्यक्तियों की संख्या इस प्रकार है :—

१९५०	५०
१९५१	५३
१९५२	१८
१९५३	४७
१९५४	४५
१९५५	५
	२१८

श्री नवल प्रभाकर : क्या मैं जान सकता हूं जितना प्रतिशत अनुसूचित जातियों के लोगों के लिए निर्धारित हैं, वे आंकड़े उस की पूर्ति करते हैं ?

श्री शास्त्री : नहीं ।

श्री नवल प्रभाकर : इसका कारण क्या है ?

श्री शास्त्री : इसका कारण यह है कि योग्यता वाले उम्मीदवार नहीं मिलते हैं ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि बहुत से लोगों को केवल उनकी जाति के आधार पर कि वे अनुसूचित जाति के हैं, इसी आधार पर उनको रिजैक्ट कर दिया जाता है ?

श्री शास्त्री : नहीं ।

श्री राधा रमण : क्या मैं जान सकता हूं कि वह जो आंकड़े अभी मंत्री महोदय ने दिये हैं, इन आंकड़ों के अनुसार कितने पुलिस में भर्ती होने वाले नौजवान देहली और कितने उत्तर प्रदेश और कितने पंजाब से अलग अलग से लिये गये हैं ?

श्री शास्त्री: इस सब की जानकारी के लिए नोटिस की जरूरत है ।

श्री राधा रमण : क्या मंत्री महोदय बतला सकते हैं कि.....

Mr. Speaker: Order, order. Let us go to the next question.

Reservation Rules

*984. **Shri I. Eacharan**: Will the **Minister of Home Affairs** be pleased to state:

(a) whether the suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes to constitute a Committee for examining the reservation rules enforced by each Ministry has been approved by Government;

(b) if so, whether the Committee has been constituted; and

(c) if not, what are the difficulties in doing so?

The Deputy Minister of Home Affairs (Shri Datar): (a) to (c). Government have not considered it necessary to constitute a Committee for this purpose.

Shri I. Eacharan: What are the present arrangements to check up the proper implementation of these rules?

Shri Datar: Government have laid down a number of rules or concessions or rather relaxations of rules in this respect, and they are taking all possible steps to give concessions to these people; and therefore, no committee was considered necessary.

Dr. Rama Rao: The question is this. The posts reserved for Scheduled Castes are not being filled up by the various departments. Have Government set up any machinery to see why these posts are not being filled up?

Shri Datar: I am afraid the suggestion is not accurate. In fact, we are asking all the Ministries concerned to have an intake as large as possible. In some cases, candidates are not available; then, the reservation fixed is carried over to the next year, and is not allowed to lapse.

निःशुल्क तथा अनिवार्य प्राथमिक शिक्षा

*९८५. **श्री अनिरुद्ध सिंह :** क्या शिक्षा मंत्री ९, मार्च १९५५ को दिए गए तारांकित प्रश्न संख्या ३९२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि संविधान के निर्देशक तत्वों के अनुसार विद्यार्थियों को निःशुल्क तथा अनिवार्य प्राथमिक शिक्षा देने की व्यवस्था करने के लिये राज्य सरकारों ने क्या कार्यवाही की है ?

शिक्षा मंत्री के समाचिव (डा० एम० एम० दास): यह विषय राज्य सरकारों से सम्बन्धित है।

श्री अनिरुद्ध सिंह : क्या सरकार बता सकती है कि अब तक राज्य सरकारों ने इस मद में कितना खर्च किया है और उस में सेन्टर का क्या सहयोग रहा है ?

डा० एम० एम० दास : इस सवाल के जवाब के लिये मैं सूचना मांग रहा हूं।

श्री अनिरुद्ध सिंह : संविधान में कहा गया है कि संविधान के लागू होने के दस वर्ष के अन्दर राज्य १४ वर्ष तक के बच्चों को अनिवार्य शिक्षा देने का प्रबन्ध करेंगी, लेकिन जिस गति से इस की प्रगति हो रही है उस के अनुसार क्या माननीय मंत्री महोदय इस बात का आश्वासन दे सकते हैं कि निश्चित अवधि के अन्दर संविधान की यह मंशा पूरी हो जाएगी ?

شکشا تکھا پراکرتک سلسادھن اور

ویگیانک کویشلا ملتری (مولانا آزاد): نہیں -اس کے لئے ریسپانسیبل اسٹیٹ گورنمنٹس ہے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): No, this is a responsibility of the State Governments.]

Shri K. K. Basu: May I ask a question?

Mr. Speaker: This is entirely a State subject. Next question.

Statistical and Economic Advisory Service

*986. **Shri M. L. Agrawal:** Will the Minister of **Home Affairs** be pleased to state:

(a) since how long the proposals for constituting a "Statistical and Economic Advisory Service" has been under the active consideration of Government;

(b) whether they have been finalized; and

(c) if so, what are the provisions regarding recruitment, pay and allowances, and conditions of Service of Members of the Service?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). The scheme of the Statistical and Economic Advisory Service has been under the consideration of the Government for the last one and a half years and has not yet been finalised.

(c) Does not arise.

Shri M. L. Agrawal: Why is it taking so long to finalise this matter?

Shri Datar: Government had appointed a Committee. The Committee's report has been received and the report is being examined in all its particulars.

Scheduled Castes and Scheduled Tribes

*987. **Shri B. N. Kureel:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have issued instructions to the Registrar General, Census, to correct the Census figures of Scheduled Castes and Scheduled Tribes in consequence of the passing of the Delimitation Commission (Amendment) Act, 1954; and

(b) if so, the names of the States in which correction work has been started so far?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). Yes, Sir. 1951-Census figures of the Scheduled Castes and Scheduled Tribes in all the States are being scrutinised by the Deputy Registrar-General whose report in the matter is expected very shortly.

श्री बी० एन० कुरील : इस बात को ध्यान में रखते हुए कि इन संशोधनों का प्रभाव कान्स्टिट्एन्सीज और सीटों के एलाटमेन्ट पर पड़ने वाला है, डिलिमिटेशन कमिशन का कोई आदेश है या नहीं कि उस की रिपोर्ट का इन्तजार किया जाय ?

Shri Datar: I did not follow the question.

Mr. Speaker: Have any directions come from the Commission about the report because some time will be taken up in having these figures?

Shri Datar: Some time is necessary for the Deputy Registrar-General to give a report and then Government will take all necessary action in that respect.

झंडा दिवस

*९९८. **श्री अमर सिंह डामर :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि १९५३ और १९५४ में झंडा दिवसों पर एकत्र किये गये धन में से भूतपूर्व सैनिकों को सुविधायें देने के लिये कुल कितनी राशि व्यय की गई है ?

रक्षा उपमंत्री (सरदार मजीठिया): १९५३ के जमा किये हुये चन्दे में से लगभग ५ लाख रुपये भूतपूर्व सैनिकों की भलाई के लिये और २ लाख से कुछ अधिक वर्तमान सेवा कर रहे सैनिकों की भलाई के लिये रखे गये। क्योंकि चन्दे की रकम केन्द्र को भेजने में कुछ समय लग जाता है, इसलिये १९५४ के चन्दे का बटवारा इस वर्ष के अन्तिम भाग से पहले नहीं किया जा सकेगा।

श्री अमर सिंह डामर : झंडा दिवस पर आने वाली रकम के वितरण की क्या प्रणाली रखी गई है ?

Sardar Majithia: The rough principle of distribution is that 25 per cent. of the collections go back to the States straightaway, and out of the remainder, 70 per cent. is for the *ex*-servicemen and 30 per cent. for the present servicemen.

Pandit D. N. Tiwary: May I know whether any money is also advanced or given to those *ex*-servicemen who were dismissed for political reasons?

Sardar Majithia: They come under a separate category, and the Home Ministry is looking after it. But *ad hoc* grants in certain deserving cases are also given from this fund.

ADULT EDUCATION

*989. **Pandit D. N. Tiwary:** Will the Minister of **Education** be pleased to state:

(a) whether the State Governments send any report to the Central Government about the progress of Adult education in their respective States; and

(b) if so, the number of adults made literate in 1954 State-wise?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes.

(b) A statement is laid on the Table of the House. [*See* Appendix VI, annexure No. 22.]

Pandit D. N. Tiwary: May I know whether Government are aware that a large number of those neo-literates lapse into illiteracy again after some time?

Dr. M. M. Das: It may be a fact.

Pandit D. N. Tiwary: May I know whether any method has been devised to see that these neo-literates keep on getting some kind of education so that they do not lapse into illiteracy again?

Dr. M. M. Das: Primarily it is a State subject. Secondly, for neo-literates a large amount of literature in Hindi is being published by the Central Government.

Pandit D. N. Tiwary: May I know whether the Central Government give any aid in connection with the expenditure incurred by State Governments, and if so, what is the percentage of the aid?

Dr. M. M. Das: Large amounts of aid are given. I have given the figures on the floor of the House many times.

Ex-SERVICEMEN

*990. **Shrimati Kamlendu Mati Shah:** Will the Minister of **Defence** be pleased to state:

(a) the number of *ex*-servicemen released from the erstwhile Tehri-Garhwal State Forces who have been provided with land (in terms of nalis) both in irrigated and un-irrigated areas from the 1st April, 1949 to the 31st March, 1954;

(b) the amount of money advanced, out of the sum earmarked for the grants to the State for rehabilitation or other amenities of these *ex*-servicemen; and

(c) how this money has been spent by the Uttar Pradesh Government?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). The information is not readily available. It is being collected and will be placed on the Table of the House in due course.

श्रीमती कमलेंदु मति शाह : क्या सरकार को पता हैं कि टिहरी-गढ़वाल के एक परगने जहां से सब से अधिक सिपाही भर्ती हुए थे उन के बच्चों के स्कूल बनाने के लिये एक पैसे की भी मदद नहीं मिली हैं ?

Sardar Majithia: As the hon. Member knows, this fund is under the control of the State Government, and whatever the hon. Member has just said will be conveyed to that Government.

श्री भक्त दर्शन : क्या यह सत्य हैं कि भूतपूर्व टिहरी-गढ़वाल राज्य के बहुत से सैनिकों को पांच वर्ष बीत जाने पर भी उनका हिसाब नहीं मिला हैं और उन्होंने इस बारे में क्या कोई आवेदन पत्र दिये हैं ?

सरदार मजीठिया : इस के लिये नोटिस चाहिये ।

SCHOLARSHIPS TO SCHEDULED CASTES STUDENTS

*992. **Shri Deogam:** Will the Minister of **Education** be pleased to state:

(a) whether Government are aware that the amount of Renewal Scholarships to Scheduled Castes, Scheduled Tribes and other Backward Classes has been decreased in some cases in spite of satisfactory progress made by the recipients; and

(b) the reasons for curtailing the amount?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix VI, annexure No. 23.]

श्री देवगम : क्या मैं जान सकता हूं कि कितना रुपया खर्च होने से बच रहा है ?

Dr. M. M. Das: Nothing was saved. Moreover, we had to approach the Finance Ministry and they had to give a few lakhs of rupees more to cover scholarships to the eligible candidates.

श्री देवगम : क्या इन विद्यार्थियों को जिन की प्रगति पूर्ण रूपेण सन्तोषजनक है उतनी ही रकम दी जानी चाहिये जितनी कि गत वर्ष दी गई थी ?

Dr. M. M. Das: The rates of these scholarships have not been reduced. On the contrary, so far as medical, engineering and agricultural education is concerned, the rates have been increased. But the amount that is fixed as scholarship depends upon some factors, and one such factor is the income of the guardian. Probably, the hon. Member has got in his mind some cases in which the income of the guardian has increased and so the maintenance allowance,—scholarship—has been reduced.

Pandit D. N. Tiwary: May I know whether it has come to the notice of Government that in several cases orders for refund on grounds of good pecuniary condition have been passed, and money realised from candidates belonging to the Backward Classes?

Dr. M. M. Das: I would like to have notice of the question. I have no information.

हवा की चक्की (राजस्थान)

*९९३. **श्री भक्त दर्शन :** क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि राजस्थान में लगाई गई हवा की चक्की में कितनी सफलता प्राप्त हुई है ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय): इस सम्बन्ध में की जाने वाली जांच पड़ताल पूरी नहीं हुई है। निश्चित रूप से कुछ निष्कर्ष निकालने से पहले लगभग एक वर्ष इस सम्बन्ध में विधिवत अवलोकन में लगेगा।

श्री भक्त दर्शन : क्या मैं यह जान सकता हूं कि इस हवा चक्की के सम्बन्ध में देश के और भागों में अभी तक जांच-पड़ताल की गई है, विशेषकर हिमालय के पर्वतीय भाग में जहां ये हवायें बहुत चलती हैं क्या कोई जांच-पड़ताल की जा रही है ?

श्री के० डी० मालवीय : जी हां, देश भर में पहले हवा की गति को जानने का काम उठाया गया, उसके बाद इस नतीजे पर हमारी विशेषज्ञ समिति आई कि जहां साल के अधिक समय तक बहुत तेज रफ्तार से हवा बहती है वहां यह एक्स्पेरिमेन्ट पहले पूरा किया जाय। उसके बाद वहां सभी जगह एक्स्पेरिमेन्टस हों जहां हवा की रफ्तार हवाई चक्की के लिये अनुकूल हो।

Shri Krishnacharya Joshi: May I know Belgaum and Karwar in Bombay State have been found to be suitable for working windmills? If so, do Government propose to do so?

Shri K. D. Malaviya: Belgaum is one of the hopeful places where we

are contemplating to extend our experiment.

NATIONAL SAMPLE SURVEY

*994. **Shri Keshavaiengar:** Will the Minister of **Finance** be pleased to state:

(a) whether the work of the National Sample Survey has commenced in the State of Mysore; and

(b) if so, in which places of the State and since when?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) The field work of the National Sample Survey was started in Mysore, along with other places in India, in October, 1950, and this work is being continued round after round. The work has been carried on in practically every district in the State, and on an average 40 villages are covered in the course of each round.

Shri Keshavaiengar: May I know on what basis the selection of a particular place is made?

Shri B. R. Bhagat: They have different samples and sizes and on that basis if a particular village fits in with that size and methodology, the village is selected. In Mysore State apart from the 40 samples from the Centre there were 80 samples from the State. So, practically, every average village is covered.

Shri Morarka: May I know the results of how many rounds of National Sample Survey have been published and what are the periods to which they relate?

Shri B. R. Bhagat: The results of three rounds have been published.

Dr. Suresh Chandra: May I know, in view of the unreliable statistics collected by the National Sample Survey, why Government is expanding the activities of this organisation?

Shri B. R. Bhagat: It is an insinuation which we do not accept.

Shri R. S. Diwan: The report which was published after the third round was somewhere in 1950 or 51, if I mistake not. May I know why further reports have not been published of the other rounds?

Shri B. R. Bhagat: This question has been answered time and again in this House and the information and statistics collected are so enormous that it was physically impossible for the Institute itself to publish it. They have got the machines, they have got the tabulators and they are being published.

तांबा (आजमगढ़)

*९९५. **श्री रघुनाथ सिंह :** क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सच है कि उत्तर प्रदेश के आजमगढ़ जिले की सदर तहसील के कोटवा नामक गांव में नलकूप के लिये भूमि खोदते समय तीन सौ फीट नीचे तांबे का अंश पाया गया है, और

(ख) यदि हां, तो क्या वहां तांबे के पाये जाने के सम्बन्ध में पर्यवेक्षण कराने का सरकार का कोई विचार है ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय): जी. नहीं।

WOMEN'S SMALL SAVINGS SCHEME

*996. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state the total amount of money invested under the Women's Small Saving Scheme since the Scheme was launched in March, 1953?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): The amount invested upto 10th February, 1955 is Rs. 1,47,17,000. Later figures are not available so far.

डा० राम सुभग सिंह : बचत आन्दोलन के चलाने में अब तक कितना व्यय किया जा चुका है ?

श्री बी० आर० भगत : अभी जो कमिशन दिया गया है वह तो ८२,४०० रुपये हैं और दूसरे खर्च लगभग ४८,००० रुपये हैं ।

डा० राम सुभग सिंह : अभी बताया गया कि इस आन्दोलन के जरिये १९५२ से आज तक १,४७,९७,००० इकट्ठा किया गया है और तकरीबन ८२,००० रुपये कमिशन दी गई हैं और इसके इलावा और भी खर्च किया गया है । क्या सरकार ने निश्चय किया है कि इस आन्दोलन में इतने प्रतिशत वसूली के बराबर खर्च किया जाए ?

श्री बी० आर० भगत: हां यह तो १ $^{1}/_{2}$ प्रतिशत निश्चित है । १,४७,९७,००० में यह केवल ६६,७२,००० पर दिया गया है, बाकी पर कोई कमिशन नहीं दिया गया है ।

डा० राम सुभग सिंह : क्या मैं जान सकता हूं कि अलग अलग व्यक्तियों को इसकी वसूली के लिए एजेंट बनाया जाता है या संस्थाओं को ?

श्री बी० आर० भगत : इस स्कीम के अन्तर्गत महिलाओं की संस्थाओं को ही एजेंट बनाया जाता है और दूसरी स्कीमों में और लोगों को भी जिस में ग्राम पंचायतें, यूनियन बोर्ड और ऐसी दूसरी संस्थाएं हैं, एजेंट बनाया जाता है ।

Ex-SERVICEMEN

*999. **Shri Sarangadhar Das**: Will the Minister of **Defence** be pleased to state:

(a) the total number of *ex*-servicemen who have been allotted land during the year 1954;

(b) the total number of applications received for this purpose;

(c) whether it is a fact that on most of the applications no action has been taken so far; and

(d) if so, the reasons therefor?

The Deputy Minister of Defence (Sardar Majithia): (a) During 1954, allotments in the land colonies were made to 366 *ex*-servicemen.

(b) 1,784. (This does not include applications received in Travancore-Cochin for which information is not available).

(c) No.

(d) Does not arise.

Shri Sarangadhar Das: May I know, if the applications are properly attended to, why only 366 applications have been attended to out of 1784 applications?

Sardar Majithia: Perhaps the hon. Member does not know that the total amount of land that we have received throughout India is about 40,000 odd acres and on this 3500 and odd *ex*-servicemen are going to be settled. The applications were very much more than this number and, naturally, we have had to make a selection and therefore those who have not got land may take it that all the land that has been reclaimed had been already filled in and as more land is reclaimed further people will be settled from amongst them.

Shri Sarangadhar Das: May I know if it is the policy of Government to settle these people in the new lands that are being reclaimed by the Central Tractor Organisation in Bhopal and other places?

Sardar Majithia: Bhopal has also given us some land and that is being reclaimed and, as I said, the Central Tractor Organisation also comes in and helps us in reclaiming certain lands in Uttar Pradesh.

Kumari Annie Mascarene: May I know whether the Government have received any petition or application for land in Travancore-Cochin by *ex*-servicemen?

Sardar Majithia: As I have already said in my answer, we have no information about the applications in Travancore-Cochin.

CORRUPTION

*1000. **Shri Gidwani:** Will the Minister of **Finance** be pleased to lay on the Table a statement showing:

(a) the total number of corruption cases investigated by the Director of Inspection (Investigation) during 1954;

(b) the number of officers gazetted as well as non-gazetted involved in these cases;

(c) how many of these officers have been prosecuted according to the law; and

(d) how many of them were awarded punishments and how many have been let off?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) to (d). A statement giving the required information is laid on the Table of the Sabha. [*See* Appendix VI, annexure No. 24.]

Shri Gidwani: In the statement it is said that out of 199 officers involved in corruption cases in 1954, only 3 have been prosecuted in a court of law so far. May I enquire what was the result of the prosecution in their cases? It is also said that only 7 have been given departmental punishment. May I enquire what was the nature of the punishment given?

Shri M. C. Shah: About prosecutions, one I. T. O. was sentenced to undergo imprisonment for six months and he was dismissed from service with effect from 1st August, 1954. Another I. T. O's. case is being heard in a court of law. In the third case, proceedings before the court have not been initiated. They will be initiated soon by the Directorate of Inspection.

About the departmental punishments, one was dismissed, two were removed and others were warned and downgraded.

Shri Gidwani: In the statement, it is also stated that about 92 cases are still pending decision. May I enquire how long will it take to arrive at a decision with regard to taking any action against them?

Shri M. C. Shah: These cases are sometimes looked into by the Commissioners of Income-tax and by the Directorate of Inspection (Investigation). Where there is a case of corruption, it goes to the Directorate of Investigation. The Directorate of Inspection (Investigation) has got two-fold functions. One is to find out the unearthed income and three officers are on this side. We want to increase the number and we want to expedite all the cases.

Shri Gidwani: The hon. Minister just now said that for want of adequate staff they have not finished the investigation and taking decision regarding action. He also stated that out of the three cases in one case punishment has been awarded and two are being investigated. May I request the hon. Minister, in a matter of this kind, to have more staff and finish up all cases and see that actual punishments are given.

Shri M. C. Shah: As I have already stated, steps are being taken to strengthen the staff and finish all these cases and to punish whoever is found to be guilty.

TEACHERS

*1001. **Ch. Raghubir Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Government propose to send some teachers to foreign countries this year;

(b) if so, whether the selection has been made; and

(c) what is the basis on which the selection was made?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

Ch. Raghubir Singh: May I know whether this proposal of the Government was given wide publicity?

Dr. M. M. Das: It was not given any publicity but we informed the State Governments and the universities and asked them to recommend to us suitable names.

Shri S. N. Das: May I know the number of names so far recommended and the number of teachers to be sent abroad?

Dr. M. M. Das: That particular information is not available with me at present.

Shri K. K. Basu: May I know the names of the foreign countries where the teachers are going to be sent?

Dr. M. M. Das: Uppsala University, Sweden—one professor of Hindi. Secondary Schools in Nigeria (Western Region)—9 teachers. Arts Council of Ceylon—One teacher in Bharat Natyam. Tamil Educationalist in Ceylon—Two teachers. Secondary Schools for Girls in Penal, Trinidad —Three teachers. Indian High School in Suva, Fiji—Two teachers.

DRUG RESEARCH LABORATORY, JAMMU

*1602. **Dr. Satyawadi:** Will the Minister of **Natural Resources and Scientific Research** be pleased to refer to the reply given to starred question No. 1673-A on the 24th December, 1954 and state:

(a) whether any decision has since been taken regarding the amalgamation of the Drug Research Laboratory, Jammu with the Central Drug Research Institute: and

(b) if so, the nature of the decision arrived at?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) No. Sir.

(b) Does not arise.

अनुसूचित क्षेत्र

*१००४. **श्री अमर सिंह डामर :** क्या गृह-कार्य मंत्री १४ मई, १९५४ को दिये गये तारांकित प्रश्न संख्या २५२२ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या अनुसूचित क्षेत्रों के प्रशासन सम्बन्धी १९५२ के प्रतिवेदन की, जो मध्य भारत सरकार ने राष्ट्रपति को भेजा था, जांच हो गई है ; और

(ख) यदि हां, तो उक्त प्रतिवेदन की मुख्य बातें क्या हैं ?

गृह-कार्य उपमंत्री (श्री दातार): (क) हां ।

(ख) वह प्रतिवेदन राज्य सरकार द्वारा सन १९५२ ई० में अनुसूचित जनजातियों की शिक्षा तथा आर्थिक दिशाओं में बढ़ावा देने तथा अनुसूचित क्षेत्रों को उन्नतशील बनाने के लिए किये गये कार्यों का एक लेखा है ।

अनुसूचित जाति तथा अनुसूचित जनजाति के आयुक्त के प्रतिवेदन में, जो संसद को समर्पित किया जायेगा, इस विषय की सभी मुख्य मुख्य बातें होंगी।

हिमालय में सेंधा नमक

*१००५. **श्री भक्त दर्शन :** क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या आसाम से काश्मीर तक फैले हुए हिमालय के पर्वतीय प्रदेश में मंडी के अतिरिक्त और कहीं भी सेंधे नमक के निक्षेपों का पता लगा है ; और

(ख) यदि हां, तो क्या उसे खोदने के लिये कोई विशेष कदम उठाये जा रहे हैं ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). No, Sir.

श्री भक्त दर्शन : क्या इस बात का पता लगाने की कोशिश की गयी है कि हमारे

देश में सेंधे नमक की कितनी मांग हैं और मंडी तथा दूसरी खानों से जो नमक निकलता हैं उससे कितने अंश की पूर्ति होती हैं ?

श्री के० डी० मालवीय : कुछ वर्ष हुए हमारे जिआलाजीकल विभाग के विशेषज्ञों ने इस मंडी क्षेत्र की जिसमें गोमा, डांग और मैंगल हैं, बहुत तफसील के साथ जांच पड़ताल की हैं और कुछ प्रास्पेक्टिंग किया जा रहा हैं ताकि हम उन कम्पनियों को राय दे सकें जो कि विशेष तौर से नमक निकालना चाहती हैं। जैसे ही यह काम पूरा हो जायगा जो कम्पनी नमक निकालना चाहेगी उसके लिए हमारी राय उपलब्ध होगी।

श्री भक्त दर्शन : क्या माननीय मंत्री जी के ध्यान में यह बात भी आई हैं कि कुछ वर्षों पहले टेहरी-गढ़वाल से सेंधा नमक तिब्बत जाता था, लेकिन अब वह बन्द कर दिया गया हैं ?

श्री के० डी० मालवीय : मुझे इसकी ठीक सूचना नहीं हैं। मैं जांच पड़ताल कर लूंगा।

Purchase of Gunny Bags

*1006. **Dr. Ram Subhag Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that gunny bags for storing flour are purchased each at the value of one rupee;

(b) whether it is also a fact that after using them only once, they are auctioned for annas six each; and

(c) the reasons why those bags are not re-used?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, the average price is approximately rupee one per bag.

(b) The average disposal price of a surplus bag was seven annas and six pies in 1954.

(c) Bags once-used cannot be used for a second fill of wheat products, owing to the risk of infestation and heavy losses through percolation. However, approximately 25 per cent. of these bags are used for filling of *dal* and animal grain. Experiments are also in progress to ascertain the feasibility of using the once-used bags for a second fill of wheat products.

डा० राम सुभग सिंह : मंत्री महोदय ने कहा कि जो बोरा एक बार इस्तेमाल किया जाता हैं उसको कई कारणों से दोबारा इस्तेमाल नहीं किया जाता। क्या मंत्री महोदय का और कैबिनेट मंत्री महोदय का जो पास ही बैठे हुए हैं, यह अनुभव हैं कि एक बार जिस बोरे में आटा रखा जाता हैं उसमें दोबारा नहीं रखा जा सकता ?

Mr. Speaker: He must take the Government as a whole and cannot make a distinction like this.

Dr. Ram Subhag Singh: I stand corrected, Sir.

Shri Achuthan: May I know the maximum number of bags that have been purchased as given in answer to part (a) of the question?

Sardar Majithia: The bags purchased in 1952 have been 14,92,000; in 1953 10,05,000; in 1954 10,54,000

श्री झुनझुनवाला : यह जो बोरे होते हैं इनको खरीदने वाले किस काम में लाते हैं ? क्या इस प्रकार का काम गवर्नमेंट के यहां नहीं हैं ?

रक्षा मंत्री (डा० काटजू): उनको दूसरे कामों में लाने की कोशिश तो कर रहे हैं। उनमें दाल भरी जा रही हैं और मवेशियों का अनाज भरा जा रहा हैं। एक्सपेरीमेंट किये जा रहे हैं कि उनको इस्तेमाल किया जा सके। हम ऐसा कुछ नहीं करना चाहते कि आपके जवानों की जान को खतरा पैदा हो जाय।

श्री झुनझुनवाला : मैं यह नहीं चाहता कि आप जवानों की जान को खतरा पैदा करें।

मैं यह जानना चाहता हूं कि जिस काम में इनको खरीदने वाले लाते हैं क्या उस तरह का काम गवर्नमेंट डिपार्टमेंट में नहीं है कि आप उसको एक रुपये में खरीद कर ६ आने में बेच देते हैं।

डा० काटजू : इसका नोटिस दे दीजिये तो मैं मालूम कर लूंगा।

TECHNICAL INSTITUTES

*1007. **Shri Gidwani:** Will the Minister of **Education** be pleased to state:

(a) whether Government propose to start some more technical institutes on the lines of the Kharagpur Institute; and

(b) if so, how many such institutions are proposed to be completed during the Second Five Year Plan period?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). The matter is under consideration.

Shri Gidwani: What will be the expected demand for technical institutes in India during the next Five Year Plan?

Dr. M. M. Das: That has got no relation with the present question.

Shri C. R. Narasimhan: Have the Madras Government proposed that the Madras Institute of Technology, with the capital outlay of rupees forty lakhs, should be taken over as a nucleus for a technological institute for the Southern Region?

Dr. M. M. Das: We have received from the Madras Government a proposal for the establishment of an institute for the Southern Region like our institute at Kharagpur.

Shri S. C. Samanta: Is it not a fact that in the beginning there was a proposal that four such institutions will be established in India and the possibility of locating one at Bombay was to be investigated? May I know what Government has done as regards Bombay?

Dr. M. M. Das: As I have told before, the question is under consideration.

Shri Natesan: May I know if the Government of Madras's request will be considered and will the Central Government take over the Madras Institute of Technology as a nucleus as it will involve less cost?

Dr. M. M. Das: The Madras Government's proposal will be considered and there is no doubt about that. But whether that particular institute will be taken as the nucleus I cannot say.

CULTURAL DELEGATIONS

*1008. **Ch. Raghubir Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Government propose to send some cultural delegations to foreign countries this year; and

(b) if so, the steps taken so far in this direction?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) The details are under consideration.

Ch. Raghubir Singh: May I know whether it is a fact that a cultural delegation is going to be sent to **Russia**?

Dr. M. M. Das: Not to Russia. Most probably the hon. Member has in mind the cultural delegation that will go to China.

भारत-बर्मा सड़क

*१००६. श्री रघुनाथ सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आदिम जाति के लोग भारत-बर्मा सड़क पर अवरोध उत्पन्न कर रहे हैं, और

(ख) यदि हां, तो उसके कारण क्या हैं ?

गृह-कार्य उपमंत्री (श्री दातार): (क) तथा (ख). मनीपुर के कुछ राजनैतिक आन्दोलनकारियों द्वारा इम्फाल-दीमापुर की सड़क को बन्द करने के लिए चलाये गये आन्दोलन के सिलसिले में, असंघटित कार्रवाई की गई हैं ।

श्री रघुनाथ सिंह : जो आपने एजीटेटरों का नाम लिया तो ये एजीटेटर लोग कौनसी पार्टी के हैं ?

श्री दातार : प्रजा सोशलिस्ट पार्टी के हैं ।

नेत्रहीन व्यक्तियों के लिये शिक्षा संस्थायें

*१०१०. **श्री अमर सिंह डामर :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार द्वारा नेत्रहीन व्यक्तियों की शिक्षा संस्थाओं को कोई अनुदान दिये जाते हैं ; और

(ख) यदि हां, तो क्या सभा की टेबल पर एक विवरण रखा जायगा जिस में यह दर्शाया गया हो कि १९५४-५५ में राज्यवार कुल कितनी राशि मंजूर की गई ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास): (क) जी, हां ।

(ख) विवरण सभा-पटल पर रखा जाता हैं । [देखिए परिशिष्ट ६, अनुबन्ध संख्या १५]।

श्री अमर सिंह डामर : क्या मध्य भारत की भी किसी अन्धों की संस्था को केन्द्रीय सरकार सहायता देती हैं ?

डा० एम० एम० दास : विवरण तो सभा के समक्ष हैं । मेम्बर साहब देख सकते हैं । हमारे सेंट्रल समाज कल्याण बोर्ड ने जो सहायता दी हैं उसको देखने से मालूम होता हैं कि अध्य भारत को सहायता दी गयी हैं ।

WRITTEN ANSWERS TO QUESTIONS

Dacoities in Tripura

*968. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the number of dacoities in the border areas of Tripura have recently increased;

(b) the reasons therefor; and

(c) what steps have been taken to give relief to the sufferers and to protect the life and property of the people?

The Minister of Home Affairs (Pandit G. B. Pant): (a) No.

(b) and (c). Do not arise.

Life Insurance Council

*971. **Shri K. P. Tripathi:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Executive Committee of the Life Insurance Council has decided to place a limit on the reduction in normal premium rates of the Insurance Companies;

(b) if so, the reasons therefor; and

(c) whether Government have approved this decision?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) The Executive Committee have not limited the reductions in premium rates but have placed certain restrictions in the way of insurers before they are able to effect any reduction in their rates.

(b) This was done in order to avoid any sudden dislocation in the insurance business caused by a possible rate war between the companies.

(c) The Executive Committee's function is to aid and advise the insurers and there is, therefore, no question of Government approving the decision.

INDUSTRIAL CREDIT AND INVESTMENT CORPORATION

*972. **Th. Jugal Kishore Sinha:** Will the Minister of **Finance** be pleased to state:

(a) the emoluments paid to the General Manager of the Industrial Credit and Investment Corporation;

(b) whether Government have any proposal to appoint other foreign experts in the said Corporation; and

(c) if so, their names and the subjects in which they have specialised?

The Minister of Finance (Shri C. D. Deshmukh): (a) Government have no information.

(b) Government are not concerned with appointments in the Corporation as it is a privately-managed institution.

(c) Does not arise.

SALES TAX ON FOOD GRAINS

*973. **Shrimati Ila Palchoudhury:** Will the Minister of **Finance** be pleased to state the names of the States in India where multi-point or other Sales Tax is levied on food-grains?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): Sales tax on food-grains is at present levied in the States of Bihar, Madras and Hyderabad. Madras and Hyderabad have a multiple-point sales tax system whereas in Bihar single-point tax system prevails.

MINERAL RESOURCES (ANDHRA)

*978. **Shri Madhao Reddi:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that a report on the mineral resources of Andhra have been recently prepared by the Geological Survey of India;

(b) if so, what are the main features of the report; and

(c) whether it is a fact that a decision to implement some of the recommendations have been taken?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (c). At the request of the Andhra Government, the Geological Survey of India has prepared and sent to that Government for consideration a report summarising available information on the mineral resources of Andhra State.

भारतीय वायुसेना का प्रतिनिधि-मंडल

*९८२. **श्री बी० डी० शास्त्री:** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारतीय वायुसेना के पदाधिकारियों का एक प्रतिनिधि मंडल ब्रिटेन तथा यूरोप के विभिन्न विमान निर्माण केन्द्रों का दौरा करके अभी हाल में लौटा है ;

(ख) इस प्रतिनिधि मंडल में कितने सदस्य थे , और

(ग) क्या उन्होंने विमान-निर्माण के सम्बन्ध में अपना प्रतिवेदन दे दिया है ?

रक्षा उपमंत्री (सरदार मजीठिया): (क) जी, हां ।

(ख) पांच आफिसर भारत से गये । २ आफिसर यूनाइटिड किंगडम में हमारे एयर एटवाइजर के दफ्तर से शामिल हुये ।

(ग) जी, हां ।

OSMANIA UNIVERSITY

*991. **Shri T. B. Vittal Rao:** Will the Minister of **Education** be pleased to state:

(a) whether the "Educational Experts Committee" appointed in connection with the taking over of the Osmania University by the Centre has since submitted its report; and

(b) if so, whether a copy of the same will be laid on the Table?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No, Sir.

(b) Does not arise.

"TRIPURA" LANGUAGE

*997. **Shri Dasaratha Deb**: Will the Minister of **Education** be pleased to state whether Government propose to introduce "Tripura" language as the second vernacular language in the schools of Tripura?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The information is being collected and will be laid on the Table of the House when available.

FLOOD RELIEF

*998. **Th. Jugal Kishore Sinha**: Will the Minister of **Home Affairs** be pleased to state:

(a) the help given so far to the Bihar State in connection with flood relief operations in 1954-55; and

(b) to what extent the public co-operation was sought and taken in distribution of relief funds and goods?

The Deputy Minister of Home Affairs (Shri Datar): (a) A sum of Rs. 85 lakhs has already been paid by the Government of India to the Bihar State to meet 50 per cent. of the expenditure on "free distribution of food and other essential articles" and "Medical and public Health relief" incurred by the State Government up to December, 1954. Further payment is likely to be made when full details of expenditure are known. Apart from this, a sum of Rs. 11,46,704 has also been paid to that Government out of the Prime Minister's National Relief Fund.

(b) The information is being collected from the State Government and will be laid on the Table of the House in due course.

BEGGARS

*1003. **Shrimati Ila Palchoudhury**: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have any statistics showing the beggar population of India, State-wise;

(b) if so, what are the figures and if not, whether such data would be collected;

(c) whether Government have any scheme under consideration for establishing 'Beggar Training Homes' in all big cities of various States where beggars could be kept, and given proper education and vocational training; and

(d) if not, whether they would now consider drawing up such a scheme?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). Yes, a statement showing the statistics of beggar and vagrant population in India, State-wise as per Census of 1951 is placed on the Table of the House. [*See* Appendix VI, annexure No. 26.]

(c) No.

(d) The Central Government is not primarily concerned with the subject. It is for the State Governments to deal with the problem of begging, which cannot easily be eradicated until the economic conditions in the country improve.

PETROLEUM IN ASSAM (JORHAT)

276. **Shri P. C. Bose**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that arrangement for boring for petroleum oil has been made in Jorhat and adjoining areas of Assam;

(b) the name of the firm which has undertaken this operation; and

(c) the terms and conditions on which permission has been given?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) No, Sir.

(b) and (c). Do not arise.

INDIAN NATIONAL COMMITTEE ON TYPE CULTURES OF MICRO-ORGANISMS

277. **Shri P. N. Rajabhoj:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the main activities and the number of meetings held by the Indian National Committee on Type Cultures of Micro-Organisms since it was reconstituted in 1954;

(b) whether any report has been submitted by them to Government; and

(c) if so, whether a copy thereof will be laid on the Table of the House?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) No meeting of the Indian National Committee on Type-culture of Micro-Organisms has been held since it was reconstituted. Dr. M. Damodaran, Deputy Director, National Chemical Laboratory, Poona, Convenor of the Committee, has collected information on developments in Industrial Microbiology in India from various Government and University Laboratories and Industrial concerns for the preparation of a Report on the subject by the British Commonwealth Scientific Organisation. The information obtained is being summarised by him for transmission to the British Commonwealth Scientific Organisation.

(b) No, Sir.

(c) Does not arise.

CANTONMENT BOARDS

278. **Dr. Satyawadi:** Will the Minister of **Defence** be pleased to lay on the Table a statement showing the facilities given to the sanitary workers employed by the various Cantonment Boards by way of weekly rest, leave, provident fund etc.; and the monthly wages paid by every Board to them?

The Deputy Minister of Defence (Sardar Majithia): The information is being obtained from all the Cantonment Boards and will be placed on the Table of the House in due course.

FELLOWSHIP IN SOCIAL WELFARE

279. **Shri Thimmaiah:** Will the Minister of **Education** be pleased to state:

(a) whether applications have been invited for selecting candidates for the award of U.N.O. Scholarship for fellowship in Social Welfare for the year 1955;

(b) If so, when;

(c) what is the last date for receiving applications;

(d) how many candidates will be selected; and

(e) when the selections will be made?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) On the 4th September, 1954.

(c) 15th October, 1954.

(d) Probably five candidates.

(e) Final selections rest with the U.N.O. Awards are notified after finalisation of study programmes of the selected candidates in the host countries abroad.

SETTLEMENT IN ANDAMANS

280. **Shri S. C. Samanta:** Will the Minister of **Home Affairs** be pleased to state:

(a) the names of parts of the Andaman and Nicobar Islands to which a batch of more than four hundred refugee families is proposed to be sent in the near future;

(b) whether besides agriculturist families, fishermen's families are to be sent this time; and

(c) what are the reactions of the delegation of the West Bengal Government which recently visited the groups of Andaman Islands in this connection?

The Minister of Home Affairs (Pandit G. B. Pant): (a) The bulk of

the families to be taken from West Bengal this year will be settled in the Middle Andaman, but a small number might be settled in the North Andaman and other areas which are being cleared for settlement.

(b) No.

(c) The Government of India have not received any report from the delegation.

SMUGGLING OF FOREIGN LIQUOR

281. **Shri Raghunath Singh:** Will the Minister of **Finance** be pleased to state how many cases of smuggling of foreign liquor were intercepted by the customs authorities during 1954?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The number of cases of seizure by the Customs authorities of foreign liquor during the year 1954 was 309.

ESPIONAGE

282. **Chaudhri Muhammed Shaffee:** Will the Minister of **Home Affairs** be pleased to state the number of persons who were detained or arrested during the year 1954, on charges of espionage and the names of the countries involved?

The Deputy Minister of Home Affairs (Shri Datar): Government do not consider it would be in the public interest to answer this question.

SMUGGLING

283. **Chaudhri Muhammed Shaffee:** Will the Minister of **Finance** be pleased to state:

(a) the total value of goods smuggled and confiscated in India during the year 1954;

(b) the nature of the punishment awarded to the smugglers; and

(c) the particulars of the customs officials who were found to be in league with the smugglers and the action taken against them?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The total value of smuggled goods seized and confiscated in India during the year 1954, was respectively, Rs. 107 lakhs and Rs. 136 lakhs, approximately.

(b) Goods were confiscated with or without option to pay a fine in lieu of confiscation. In some cases personal penalties were imposed in addition to the confiscation. In serious cases where the value of the goods was high and where the offence was of a deliberate nature, prosecutions were launched in the courts of law.

(c) A statement containing the required information is placed on the Table of the Sabha. [*See* Appendix VI, annexure No. 27.]

THE PRESS (OBJECTIONABLE MATTER) ACT

284. **Chaudhri Muhammed Shaffee:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of the cases in which action was taken under the Press (Objectionable Matter) Act, in Delhi State between April, 1952 and the 31st January, 1955;

(b) the names of the newspapers and books against which action was taken during the above-mentioned period; and

(c) the number of prosecutions launched against the offenders and the results thereof?

The Minister of Home Affairs (Pandit G. B. Pant): (a) to (c). I lay on the Table of the House a statement giving the required information. [*See* Appendix VI, annexure No. 28.]

LECTURE TOURS BY PROFESSORS

285. **Ch. Raghubir Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Government have arranged for lecture tours by professors within and outside the country;

(b) if so, whether the selection of the professors has been made in this regard; and

(c) the expenditure likely to be incurred thereon?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No, Sir.

(b) and (c). Do not arise.

ARMED FORCES' UNIFORMS

286. Shri Gidwani: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Government have issued instructions that in future the uniforms for India's Armed personnel will be made of materials manufactured in the country; and

(b) whether similar instructions have been issued to use other indigenous goods in place of foreign materials, if available?

The Deputy Minister of Defence (Shri Satish Chandra): (a) **Yes.**

(b) The policy of Government is to obtain stores required by Defence Services from indigenous sources to the maximum extent and import is resorted to only where stores cannot be procured in this country. This policy is well known to the Services and has been enforced through a Special Committee appointed for the purpose.

SANGEET NATAK AKADAMI

287. Dr. Satyawadi: Will the Minister of **Education** be pleased to state:

(a) the names of the institutions which received grants-in-aid from the Sangeet Natak Akadami during the current year and the amount given to each of those institutions;

(b) whether any further amount has been sanctioned for the next financial year; and

(c) if so, how much?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) A statement showing the names of institutions which received grant from the Sangeet Natak Akadami during the current year and the amount given to each is placed on the Table of the House. [*See* Appendix VI, annexure No. 29.]

(b) and (c). No amount has as yet been sanctioned for the next financial year.

ABBYNAGAR PRIMARY SCHOOL, AGARTALA (TRIPURA)

288. Shri Biren Dutt: Will the Minister of **Education** be pleased to state:

(a) whether the question of taking over of the Abbynagar Primary School of Agartala (Tripura) has been decided by the State Government; and

(b) if not, the reasons for not taking over this school?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). The information is being collected and will be laid on the Table of the House when available.

VOLUNTARY EDUCATIONAL ORGANISATIONS

289. Shri Jethalal Joshi: Will the Minister of **Education** be pleased to state:

(a) the names of Voluntary Educational Organisation to which financial assistance has been given by Central Government in 1954 to carry on activities in the field of Vocational and Educational Guidance; and

(b) the result of this assistance?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No Voluntary Educational Organisation has been given grant by the Central Government to carry on the activities in the field of Vocational and Educational Guidance.

(b) The question does not arise.

VOLUNTARY EDUCATIONAL ORGANISATIONS

290. Shri Jethalal Joshi: Will the Minister of **Education** be pleased to state the names of Voluntary Educational Organisations to which financial assistance has been given by the Central Government in 1954 to

carry on activities in the fields of Basic Education and of Social Education?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement is laid on the Table of the House. [*See* Appendix VI, annexure No. 30.]

POLICE

291. **Chaudhri Muhammed Shaffee:** Will the Minister of **Home Affairs** be pleased to state:

(a) the ratio of Police to population in Delhi as compared to that in Bombay and Calcutta;

(b) the number of Police Officials against whom disciplinary action was taken for dereliction of duty and other mal-practices during the year 1954 in the Delhi State; and

(c) the ratio this bears to the total strength of the Police?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Delhi—1 policeman for 173 inhabitants.

Bombay—1 policeman for 216 inhabitants.

Calcutta—1 policeman for 188 inhabitants.

(b) 408 (In the year 1954).

(c) 1 to 24.63.

YEMMIGANUR WEAVERS' CO-OPERATIVE PRODUCTION AND SALES SOCIETY

292. **Shri Gadilingana Gowd:** Will the Minister of **Finance** be pleased to refer to the answer given to Starred Question No. 1659 on the 24th December, 1954 and state:

(a) whether any further grants or loans have been made to the Yemmiganur Weavers' Co-operative Production and Sales Society either by the Central Government or the Andhra Government; and

(b) if so, the special considerations which necessitated the granting of such loans when the society is in default in payment of instalments of previous loans?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The information is being collected and will be laid on the Table of the House.

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15th March, 1955 (Tuesday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

(Vol. II contains Nos. 16—30)

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LOK SABHA SECRETARIAT
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES
(Part II—Proceedings other than Questions and Answers)

LOK SABHA
Tuesday, 15th March, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

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12 NOON

MESSAGES FROM THE RAJYA SABHA

Secretary: Sir, I have to report the following three messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation Bill, 1955, which was passed by the Lok Sabha at its sitting held on the 1st March, 1955, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bills:

(ii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I

am directed to return herewith the Appropriation (Vote on Account) Bill, 1955, which was passed by the Lok Sabha at its sitting held on the 10th March, 1955, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(iii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the following Bills, which were passed by the Lok Sabha at its sitting held on the 11th March, 1955, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

1. The Andhra Appropriation Bill, 1955.
2. The Andhra Appropriation (Vote on Account) Bill, 1955."

PAPER LAID ON THE TABLE

AUDIT REPORT (POSTS AND TELEGRAPHS) 1955, PART I

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to lay on the Table a copy of the Audit Report (Posts and Telegraphs), 1955, Part I, under article 151 (1) of the Constitution. [*Placed in Library. See* No. S-85/55.]

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

EIGHTH REPORT

Shri Altekar (North Satara): I beg to present the Eighth Report of the Committee on Absence of Members from the sittings of the House.

CONSTITUTION (FOURTH AMENDMENT) BILL—*contd.*

Mr. Speaker: The House will now resume further discussion on the motion for reference of the Constitution (Fourth Amendment) Bill to a Joint Committee as also on the motion for circulation. As the House is aware, ten hours have been allotted by the Business Advisory Committee for the consideration of this motion. Out of this, 4 hours and 54 minutes—roughly five hours—were taken yesterday and about five hours now remain. This would mean that the motion has to be disposed of by 5 P.M., and I therefore propose to call upon the hon. Prime Minister to reply to the debate at about 4-15 P.M. when he will begin. He will take some time and I believe some more time will be necessary for the purpose of having a vote by division in view of the rules made and the practice hitherto prevailing. So, that will be the time-table for today. Voting will be at about 4-45 P.M.; it may be five minutes earlier or five minutes later.

श्री बी० जी० वंशपांडे (गुना) : कल मैं बता रहा था....

Mr. Speaker: Order, order. I must just remind the hon. Member that he has already taken 22 minutes yesterday. I have got the record here. As he has started, he can take eight minutes today and finish his speech. But for the other hon. Members, the time will be only 15 minutes each and nothing more.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The Prime Minister is to speak at 4-15.

Mr. Speaker: Yes; at 4-15.

श्री बी० जी० वंशपांडे : कल मैं बता रहा था कि संविधान का यह संशोधन मूलगामी और क्रान्तिकारी है। यहां सर्वोच्च न्यायालय के न्यायाधीशों के प्रीत यह कहा गया है कि संविधान का जो अर्थ उन्होंने किया है वह गलत है। मैं यह मानने के लिए तैयार नहीं हूं कि जस्टिस कानिया, जस्टिस पातंजलि शास्त्री और जस्टिस महाजन या जस्टिस मुकर्जी इन चारों न्यायाधीशों ने जो निर्णय दिये हैं, उन्होंने संविधान का मतलब समझा नहीं है, यह बात मैं मानने के लिए तैयार नहीं हूं।

[MR. DEPUTY-SPEAKER *in the Chair*]

बात तो यह है कि पहले जब हमने संविधान बनाया था, जब हमने मौलिक अधिकारों की निर्माण सम्बन्धी धारा बनाई थी तो धारा ३१ के अनुसार यह निश्चय किया था कि जनता की कोई भी सम्पत्ति उनको उचित मूल्य दिये बिना छीनी नहीं जायगी, परन्तु उसके पश्चात् हमने यह देखा कि जमींदारी कानून के लिए हमको जो मुआविजा देना है, उसके लिए हमें उस धारा में परिवर्तन करना पड़ा और उसी के कारण इस सदन में एक विचित्र संशोधन भी किया गया। जिन लोगों ने अच्छी तरह से इन न्यायाधीशों के निर्णयों का अभ्यास किया है, जैसे कल मेरे नेता श्री निर्मल चन्द्र चैटर्जी ने बतलाया था कि समाज को अधिकार है कि समाज की प्रगति के लिए वैयक्तिक जो सम्पत्ति है वह सम्पत्ति हासिल की जा सकती है, परन्तु उसके बारे में यह बतलाया गया और इन निर्णयों में यह भेद किया गया है कि कंट्रोल एण्ड रैगुलेशन यानी किसी पर भी नियंत्रण करना एक्युजीशन या रैक्युजीशन, किसी से भी प्राप्त कर लेना या किसी की सम्पत्ति छीन लेना इसमें बड़ा भेद है। पहले संविधान में हमने यह कहा था कि समाज को पूर्ण अधिकार है कि किसी की सम्पत्ति का हम नियंत्रण, कंट्रोल एण्ड रैगुलेशन कर सकते हैं परन्तु किसी की सम्पत्ति हम छीन लेना चाहते हैं तो हम उसको उस जायदाद

का उचित मुआविजा देंगे । आज हम उसमें मूलगामी परिवर्तन करके सम्पत्ति की एक बड़ी भारी फेहरिस्त लेकर आ रहे हैं, ए० से लेकर आज तक की अपनी फेहरिस्त ले आये हैं जिसमें आप कहते हैं कि हम इनकी सम्पत्ति बिना मुआविजे के ले सकते हैं जैसा कि इसमें कहा गया है :

"No law providing for—....

the maximum extent of agricultural land that may be owned or occupied by any person and the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise."

दूसरे आप कहते हैं :

"the acquisition or requisitioning for a public purpose of any land, buildings or huts declared in pursuance of law to constitute a slum or of any vacant or waste land,"

इस प्रकार से आप विस्थापितों के पुनर्वासन के लिए भी यही मानते हैं कि आप उनकी सम्पत्ति लेते हैं तो उसके बारे में आप कहते हैं कि :

"shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, article 14, article 19 or article 31".

संविधान की धारा ३१ और १९, इन दोनों धाराओं द्वारा जनता को यह गारन्टी दी गयी है कि आपकी कोई भी सम्पत्ति बिना मुआविजे के छीनी नहीं जायगी, आज यह संरक्षण आप इस संशोधन के द्वारा छीने ले रहे हैं । इसी के साथ ही साथ मैं सदन का ध्यान इसकी ओर आकर्षित करना चाहता हूं कि यह जो संशोधन है यह मूलगामी है और इसका असर लाखों व्यक्तियों पर होने वाला है और खास कर सीलिंग का कानून बनाने के पश्चात् तो हर एक देहात में रहने वाले ऐसे सैकड़ों भूमिधरों पर इसका प्रभाव पड़ने वाला है और आप जो इस तरह का संशोधन यहां कर रहे हैं उससे केवल बड़ी सम्पत्ति वाले ही नहीं, मैं तो कहूंगा कि बड़ी सम्पत्ति वाले लोगों को तो आपने छुआ ही नहीं है, इसका असर तो जो छोटी सम्पत्ति वाले हैं उन पर अधिक पड़ने वाला है । उनकी सम्पत्ति आप बगैर मुआविजा दिये लेने वाले हैं । ऐसी परिस्थिति में मैं एक प्रार्थना अपने प्रधान मंत्री महोदय से करूंगा कि आप सीलिंग फिक्स करना चाहते हैं, तो शायद जनता को भी आपने बताया होगा कि किस के पास कितनी भूमि रहेगी, यह हमने जनता से पूछा है परन्तु जनता को यह मालूम नहीं था कि सीलिंग का कानून बनने के पश्चात् छोटे छोटे जो भूमि के मालिक हैं, उनकी भूमि भी मुआविजा न देते हुए छीनी जायगी, यह जनता को मालूम नहीं था । यह मालूम होने के पश्चात् आप इस प्रकार का मूलगामी संशोधन जब इस संविधान में कर रहे हैं तो पहला तो मेरा आक्षेप यह है कि आप इसको जनता का मत जानने के लिए इस विधेयक को जनता के पास लेकर नहीं गये हैं और इसलिए इसको पहले जनता की राय और मत जानने के लिए सर्कुलेट होना चाहिए । हमारे प्रधान मंत्री जी कहते हैं कि यह विधेयक पिछले चार, छः महीने से जनता के सम्मुख है, तो मैं कहूंगा कि जनता के सम्मुख होना यह बात अलग है परन्तु मत प्रदर्शन करने वाली संस्थाएं आज देश में मौजूद हैं और उनकी राय इसके बारे में मालूम करनी चाहिए थी । क्या इस विधेयक को आपने हाईकोर्ट के जजों के पास भेजा था ? क्या बार असोसियेशंस और सिविल लिबर्टी यूनियनंस नागरिक स्वतंत्रता की बहुत सी समितियां हैं जो इस प्रकार के विधानों पर अपना मत प्रदर्शित किया करती हैं, उनके पास क्या आपने इसको भेजा था ? लोकल बाडीज, स्थानिक ग्राम पंचायतें, जिनका देहातियों से सम्पर्क होता है, कोअपरेटिव सोसाइटीज, कोअपरेटिव बैंक्स, इन संस्थाओं का इस संशोधन बिल पर मत प्रदर्शित नहीं हुआ और केवल मत प्रदर्शन ही पर्याप्त नहीं होगा बल्कि इस सम्बन्ध में उसका मत क्या है, वह इस सदन के सदस्यों के सम्मुख आना चाहिये था, जनता क्या कहती है, उसको रक्खे बगैर इस प्रकार का कानून में संशोधन

[वी० वी० देशपांडे]

करना बहुत फायदेमंद होगा, ऐसा मैं नहीं समझता । और इस प्रकार के क्रान्तिकारी परिवर्तन करते वक्त हिन्दुस्तान के सब वर्गों का मतप्रदर्शन होना चाहिये और वह मतप्रदर्शन इस सदन के सम्मुख आना चाहिये । आगे चल कर एक मिनट में मैं यह कहूंगा कि केवल मतप्रदर्शन से ही काम चलने वाला नहीं है । आप ने एलेक्टोरेट का मैन्डेट नहीं लिया था कि हम इस प्रकार के संशोधन संविधान में लाने वाले हैं । आप एलेक्टोरेट से बिना पूछे ही यह संशोधन यहां लाये हैं । मैं तो कहूंगा कि अगर आप इस मामले को ले कर जेनरल एलेक्शन नहीं करना चाहते हैं तो इस संशोधन पर आप कम से कम उन लोगों का प्लेबिसाइट ले कर, जिन के पास देहातों में खेत हैं, फिर इस का निर्णय कीजिये ।

Shri Gadgil (Poona Central): I find that this Bill has received general support and great enthusiasm has been shown. I hope that that enthusiasm is out of conviction and not out of political convenience.

Last year, at the Ajmer A.I.C.C. meeting I requested the Congress Party to bring a Bill about payment of compensation as early as possible and I ventured to say there that such a Bill would receive general support in the Lok Sabha. I am glad to note that, except for two Hindu Mahasabha representatives, there has been no opposition at all. So far as my friend Shri N. C. Chatterjee is concerned, I have always found him to be a combination of good advocacy and a bad cause. Now, so far as Shri V. G. Deshpande is concerned, he is not certain whether he should support it for he fears that it is directed mainly against landed interest and not so much against industrial interest. He wants that there should be an election on this issue. I will remind him to read the Congress manifesto once more. In that manifesto the Congress has promised certain things; certain social legislation and certain economic programme. In pursuance of that promise, an amendment of the Constitution was absolutely necessary. Does he think that if an election is ordered, the composition of this House will change in any material particular? Perhaps, he will be conspicuous by his absence. I am certain that this amendment, or the substance of this amendment has been before the public for over an year and many institutions and individuals have expressed their views. There is no question of ascertaining public opinion any further.

I find here, Sir, the only liberal association still existing in this Indian continent, namely the Deccan Sabha, has issued a long resolution over this Bill. It considers this to be of an expropriatory character and thinks that this is an attempt to secure social welfare of the people at the cost of a few persons. If I were to extend that doctrine, then any tax falling on a few persons will also be invalid according to them.

Then, I have before me the views of the Federation of Indian Chambers of Commerce and Industry which is the authorised voice of industrialists and capitalists; perhaps, their bastion. Now, in this note prepared by the Federation, it is stated that if the property is taken without payment of compensation it will destroy the sanctity of private property and will pave the way for a totalitarian regime.

I have also before me the views of the Civil Liberties Union published in their bulletin of February, 1955 in which the same line more or less is taken. But, there is an additional argument incorporated in this note. That additional argument is that there has been no such change made by the interpretations in the various decisions of the Supreme Court and that, unnecessarily the Government have become panicky; therefore, they have brought this Bill.

Now, Sir, the necessity for this amending Bill is there, because there is uncertainty. In the first place, all these 3 or 4 organisations are under the misapprehension that whatever is being done is done with a view to

take property without paying any compensation whatsoever. I wish a Bill of that type were introduced by the present Government. But, it is not so. The provision of compensation is there.' So far as the question whether there has been any change in the law on account of the interpretations by the Supreme Court is concerned, I would like to place before this hon. House the views of three eminent judges of the Supreme Court: one by Justice Das, another by Justice Patanjali Sastri and the third by Justice Mahajan, and if the House were to compare these three viewpoints the necessity for bringing an amending Bill of the character that is now before the House will be abundantly proved. Justice Das has said:

> "The effect of cl. 2 of Article 31 is that only certain kinds of deprivation of property, namely, those brought about by acquisition or taking possession of it, will not be permissible under any law, unless such law provides for payment of compensation. If the deprivation of property is brought about by means other than acquisition or taking possession of it, no compensation is required, provided that such deprivation is by authority of law."

He has said much more than that. He has said that there should be no worry about this because he has compared all the three powers of the sovereign State: that of taxation, police power and eminent domain, and he says:

> "If, therefore, in the matter of deprivation of property by the exercise of the State's power of taxation our Constitution has only given us protection by article 265 against the executive but none against the legislature, and if in the matter of deprivation of our life and personal liberty our Constitution has given us no better protection against the legislature than the requirement of a procedure to be established by the legislature itself and the skeleton procedure prescribed by Art. 22, ... what is there to complain of it, in the matter of deprivation of property by the exercise of the State's police power, our Constitution has, by Art. 31(1), given us protection only against the executive but none against the legislature?"

It seems that the major argument of all the judges is that they want protection against the legislature's power and not against the executive. They forget that legislature is the supreme and sovereign body even in a federal constitution. The federal constitution only prescribes under what circumstances that sovereign power can be exercised, and where we have a system of Fundamental Rights, there is a clear division of laws into ordinary laws and organic laws. Ordinary laws one can easily understand what they are. The organic law deals with the law of the Constitution as such and therefore, there is a special procedure laid down as to how that law, or that organic law is to be introduced, is to be discussed, is to be approved and assented to by the Head of the State. Within that limitation the power of the legislature is supreme and sovereign. The point is that this has not been yet sufficiently understood. As I said, this is the view of Justice Das, obviously an extreme view. Now, I come to the other extreme view which was propounded by Justice Mahajan who in his judgment said.

> "In my judgment the true concept of the expression 'acquisition' in our Constitution as well as in the Government of India Act is the one enunciated by Rich J. and the majority of the court in Dalziel's case. With great respect I am unable to accept the narrow view that 'acquisition' necessarily means acquisition of title in whole or part of the property. It has been rightly said that a close and literal construction of constitutional provisions made for the security of person and property deprives them of half their efficacy and ends in a gradual

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depreciation of the right as if the right consisted more in sound than in substance. In other words, such provisions cannot be construed merely by taking a dictionary in hand. The word 'acquisition' has quite a wide concept, meaning the procuring of property or the taking of it permanently or temporarily. It does not necessarily imply the acquisition of legal title by the State in the property taken possession of."

I shall place before the House the third viewpoint, namely, that of Justice Patanjali Sastry. In his judgment, he has said: that the abridgement must be substantial.

"I find it difficult to hold that the abridgement sought to be effected retrospectively of the rights of a purchaser at a revenue sale is so substantial as to amount to a deprivation of his property within the meaning of articles 31(1) and (2)."

'Deprivation of property' he defined as so substantial an abridgement of the rights of ownership that "it withheld the property from the possession and enjoyment of the owner, or seriously impaired its use and enjoyment, or naturally reduced its value," and he added,

"Any other interference with enjoyment of private property short of such appropriation or abridgement would not be compensable under article 31(2)."

Here, we have three viewpoints expressed by three eminent Judges of our Supreme Court. Anybody is bound to feel that the position of law is uncertain. When we are anxious to push our economic programme and try to bring about a re-organisation of social relations in this country, we cannot proceed with the programme because there may be uncertainty. Any matter may be taken to the court and the whole thing may be upset. The point is that what has been attempted here is nothing new. The section about compensation is a mere reproduction of section 299 of the Government of India Act. What the section says is that property will not be taken or compulsorily acquired or requisitioned unless the law provides either the quantum or provides the principles on which property is to be acquired. I put it to my hon. friend Shri N. C. Chatterjee, who had also once adorned the Bench, is it not very difficult for the Judge to consider the detailed principles of any acquisition. It is more or less the work of an expert and the Government of the day, accepting the advice of experts, draws certain principles and on those principles, legislation is based. It is in the legislature that these principles should be discussed the people's representatives, who are in touch with the social atmosphere, who also know what is happening, who also know what are the aspirations of the people, who are more likely to be fair and just to the people as against a few who have vested interests. I submit that the judiciary should have nothing to do with the quantum of compensation or the principles on which compensation is to be decided. I think there is nothing wrong in it. That is the principle. It may not have been accepted in other countries: I am not sure of that. But, it is certain that, in our present state of political advance and also the sheer necessity of advancing our economic programme, such a provision is absolutely necessary.

It has been said in clause 2A that where the law does not provide for a transfer of ownership or does not affect the right of possession, it cannot be said that it is acquisition or requisition and therefore, no compensation need be paid. Obviously this has been proposed because of the experience of the Government in the matter of the Sholapur case. There was another big industrial concern which was reported to be not well-managed; there were gross irregularities and perhaps something more. Yet, the Government could not take any step in that matter. When we are pledged to a planned economy, we cannot allow these things to retard the progress of our country towards the goal which has been defined in our

Constitution. Right to property is a fundamental right; but fundamental rights are not absolute. They were never absolute, they will be never absolute. They are absolute in the sense in which anything can be absolute in a relative world. In a dynamic and progressive society, nothing can be stable or inflexible or unchangeable. Everything has to be related to the needs of the society. If I were to compare the constant and the current in any society, with flow and water, the simile will be complete. The flow continues and water changes. If society tomorrow adopts some other ideals, in relation to that ideal you will have to redefine your fundamental rights. A fundamental right cannot be a hindrance to progress. It must be some sort of a help. In other words, if you want to keep the ship of progress on an even keel, then, the fundamental rights are the ballast. No more or no greater importance should be given to fundamental rights.

Everybody is trying to fight for right to property, its sanctity, and when it is deprived, for some compensation. May I, on behalf of hundreds and thousands and crores of the disinherited, down-trodden in this country, ask, when are you going to fulfil the guarantee given to them in the Constitution itself?

Some Hon. Members: Never.

Shri Gadgil: You have promised them employment. You have promised them education. You have promised them a rise in the standard of life. Seven years have passed. Nothing substantial has been done. My hon. friend Shri N. C. Chatterjee may say that there is no time-limit fixed.

Shri N. C. Chatterjee (Hooghly): I would request you to address your homilies to the Minister who is more concerned.

Shri Gadgil: Even to you it is relevant because you are opposing this progressive law.

Shri N. C. Chatterjee: I am not.

Shri Gadgil: If there is no time-limit fixed in the Constitution itself,...

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I interrupt my hon. friend and say that in the State from which I come, every child whose parents get Rs. 1,200 or less will be educated free up to the III Form?

Shri V. G. Deshpande: Something has been done.

Shri Gadgil: I want to know how many States have accepted compulsory universal education. Speaking of my own State, since he has raised this question, I may state on paper, in certain districts, there is compulsory education. Only last fortnight I visited some of the villages, I made enquiries with the school masters. Out of 100 children who are covered by this rule of compulsory education, about 42 per cent. attended the school, because there were no buildings, there were no teachers. No serious attempt has been made.

Shri U. M. Trivedi (Chittor): That is the urgent need for amending this Constitution.

Shri Gadgil: Therefore, if there is no time-limit given in the Constitution for the fulfilment of the guarantees, a reasonable time must be the time fixed. The reasonable time has come. If these items of our programme have got to be fulfilled, it is necessary that all those institutions, legal, political and social, in the country that stand as obstacles in the way of our progress must be scrapped You are asking us to respect property May I analyse the conception of property a little more? I call my wrist watch—that is not with me now, it was once stolen and it is indeed one of my heirlooms.

Shri N. C. Chatterjee: When you were Minister.

Shri Gadgil: I call it my own. It does not become my property by my simply declaring that it is mine. The

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entire society must accept that it is Mr. Gadgil's property. The apparatus of the State must be there to protect it, the judiciary to pronounce upon the guilt if somebody steals it, and the jail to carry out the punishment. The property for which some of my friends are so anxious is not property which has been created by the individuals themselves. It has origin in the social context and but for the social recognition as backed by the political State in the country, the property will not be there. Remove this apparatus, remove this protection, and some of the fat capitalists will become lean tomorrow. Because, then the law of the *danda* will come into play. You are today accumulating sums after sums because the law allows it. The law allows you interest. The man works for eight hours a day or ten hours a day, but the dividend and interest of the sums invested go on increasing continuously all the 24 hours. There is a saying in Marathi: "Man sleeps, but interest does not sleep". It goes on accumulating.

Now, you are asking us to give them compensation, and if, as was very rightly pointed out by the Prime Minister.....

Shri Asoka Mehta (Bhandara): But you said you are going to give compensation.

Shri Gadgil: I am coming to that.

If we say we are going to give compensation.....

Mr. Deputy-Speaker: The hon. Member must have an idea of time.

Shri Gadgil: You are depriving me of compensation. Give me five minutes and I will finish.

The point is that if you give full compensation, just compensation, which is equivalent to its money value when the property is acquired, the classes will be perpetuated. The rich will remain rich and the poor will remain poor. Therefore, I am glad that the Prime Minister has made it abundantly clear that full compensation is never available. Compensation will be given first taking into consideration the urgency, the social urgency of the particular measure and secondly the resources of the State and if nothing is given, I will not call it a fraud on the Constitution. I remember, Sir, Dr. Ambedkar who once adorned the Treasury Bench, a great jurist himself, introduced a Bill in the Bombay Legislative Assembly some years ago for the abolition of *koti* tenure, and in order to circumvent the law, he said compensation should be one rupee. Well, that is a thing which can be done. But, if the Government is so bold, they can use this clause 2. Instead of acquiring the property or requisitioning the property, it can take possession and need not give anything since they have mismanaged it. If it is necessary in the highest interests of society that the management or possession of the concern should be taken, it should be done. What will happen hereafter I do not know. But of one thing I am certain that the people are so wide awake that they will come to know that some of their representatives opposed this Bill, and it will be my duty to go to their constituencies, visit them and tell them: "Here is a person who has been returned on your franchise. He opposed this amendment. He did not support it, or supported it in a lukewarm fashion". It is absolutely necessary that not only the legal aspect or the political aspect but the moral aspect of the question also must be looked into. I only want to say this. For centuries these people have been there knowing nothing like happiness. From birth to death they have travelled the path of unhappiness. And if something is being attempted—not very much, but a little—but even that little must be welcomed, and whosoever opposes this, not only is unfair to himself, unfair to the great ideals for which this country stands, but, if I may be permitted to say so, he is guilty of high treason against the people.

Shri Tulsidas (Mehsana West): I have been listening to the interesting debate for quite a while. I must say I am impressed by the admirable zeal of all those who have taken part in this debate for going ahead with measures of social welfare. Thanks to this unanimous feeling in this House and elsewhere about the necessity of promoting social welfare, much has been done in this country which has made for economic and social progress. What is really noteworthy is that all this progress has been achieved in a democratic and non-violent manner.

Shri Gadgil: Legislation is non-violent manner.

Shri Tulsidas: I admire and share the general feeling about accelerating the pace of progress and I admit that this feeling is in no small measure due to the inspiring leadership of our Prime Minister whose dynamic personality has been chiefly responsible for enthusing the nation to action. The pace of progress has been slow, no doubt, but that is natural and inevitable in the early stages. I can also understand the impatience of many Members in this House to speed up this pace, and sympathise with some of them in their urge for doing this even at some sacrifice of certain ideals such as fundamental rights. But I feel very strongly that this laudable urge has driven the Government to demand powers much in excess of those which their commitments require.

I submit that under the present laws the Government has enough powers to do all that is necessary, under the Directive Principles of State Policy, and I feel that by demanding these powers the State is taking away a very important fundamental right given to the citizens of this country.

Let us examine the present position. Under article 31 the Government can acquire property for public purposes by authority of law by paying compensation to be laid down in or determined according to the law passed by the State or Centre, and after the State laws get the President's consent. Article 31A was introduced by a subsequent amendment, withdrawing the protection of article 31 to owners of estates, to facilitate the abolition of Zamindari rights. Thus, the Constitution guaranteed the fundamental right of a citizen "to acquire, hold and dispose of property" subject to the above limitations.

The judiciary cannot intervene in the above arrangement. In this connection, I would like to quote that Pandit Nehru said in September, 1950, when he moved this article of the Constitution:

> "Eminent lawyers have told us that on a proper construction of this clause, normally speaking, the judiciary should not and does not come in—except for one reason, where it is thought that there has been a gross abuse of the law, where in fact there has been a fraud on the Constitution."

The Prime Minister also emphasized that the Constitution was a creature of the Parliament and that the judiciary was not a Third Chamber, and yet he had openly admitted the definite role of the Courts, when he had said: that as wise people their duty was to see that in a moment of passion, in a moment of excitement, even the representatives of the people did not go wrong.

That is the present position. That is how this Constitution was framed.

Pandit Nehru also had said, when moving the article:

> "The draft article which I have the honour to propose is the result of a great deal of consultation, is the result in fact of the attempt to bring together and compromise various approaches to this question. I feel that the measure has in a very large measure succeeded."

In accordance with these provisions, zamindaris were acquired. Now what I would like to ask is this. What has happened during all these years which has made Government feel that it is

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necessary to take these extraordinary powers? During these years, the zamindaris were acquired, the air transport companies were nationalised, and much other property was also acquired by the State, and there were no major difficulties felt. The Constitution has not come in the way of any social legislation or any welfare measures that Government had liked to adopt. I do not think that anyone either inside the House or outside is not keen that Government should not go ahead with these welfare measures. What I am trying to submit is that the Constitution has not come in the way so far, and we have been able to do all these things. What has happened now for Government to find it necessary to amend the Constitution? In the Statement of Objects and Reasons, Government complain:

> "Recent decisions of the Supreme Court have given a very wide meaning to clauses (1) and (2) of article 31.... The deprivation of property referred to in clause (1) is to be construed in the widest sense as including any curtailment of a right to property. Even where it is caused by a purely regulatory provision of law...."

It is the complaint of Government that even where it is caused by a purely regulatory provision of law, there is a complete ban on acquisition, and therefore, they have said that in the light of judicial decisions, articles 14, 19 and 31 stand in the way of welfare measures.

I would like also to read out to you an extract from the article which appeared in the Press some time back, written by that very eminent lawyer from Bombay with regard to this question. This is what he has written:

> "When, therefore, we are told that fundamental rights prevent social welfare legislation, we can answer: We dispute the fact. The State has taken over joint stock companies, railways, telephone systems, air transport, on the payment of just compensation and so promoted social welfare."

I would like to remind you that even in regard to the question of nationalisation of air companies, the compensation which was paid was not adequate compensation. The shareholders had actually lost very heavily, and they were paid very much less than the market price. However, according to law, the air transport companies were nationalised. The above article continues:

> "But even if the guarantee of fundamental rights prevents or retards 'social welfare' legislation, we must maintain that there is no higher social welfare than the bringing up of free and upright people living under a constitution which puts it beyond anybody's power to take an Indian's life by taking the means whereby he lives; as long as the means are not immoral. It would be a strange paradox if 'social welfare' legislation which is designed to increase the material wealth of the people was accompanied by legislation rendering that wealth insecure when earned. It would be a still stranger paradox to fight communist tyranny by borrowing the communist's own weapons of confiscation and suspension of constitutional guarantees 'in the national interest'."

Shri T. T. Krishnamachari: Whose quotation is this?

Shri Tulsidas: Shri Seervai

Now, let us take the case of the Sholapur Mills, for instance. I know the House knows fully well that I was one of the persons appointed by Government to look after this company. I know what this taking over of the management of the Sholapur Mills was, and I know how it was in the larger interests of the shareholders; and I know how it has fared. But what I am trying to point out is that if this very action had been done under the normal law of the land, namely the company law, they could

have easily avoided all sorts of mischief which had taken place. If the administration of company law had been properly done, then it would have been possible for Government to avoid this sort of mismanagement which had gone on before. But what do we find? The normal law is not properly administered, but instead we put up an Ordinance, and we do something which is not accordance with our Constitution. The result is that we lose the case in the Supreme Court, because the Supreme Court finds that we have done something which is not according to our Constitution; and we have to give back the property. Under the company law, Government have got enough powers, and in the new Bill which is on the anvil now, they have got much more stringent powers, whereby they could easily see that this kind of mismanagement does not continue. Instead of trying to make the law perfect, and instead of trying to administer the law properly, what we are trying to do is to chang· the Constitution itself.

Shri T. T. Krishnamachari: Then your company law will be *ultra vires.*

Shri Gadgil: That is what he wants.

Shri Tulsidas: If you make the law perfect, I do not think the company law will become *ultra vires.* But the point is that we are trying to do something which is much beyond what is required, because we do not know how to administer the normal law. I am afraid that that is the only reason why these difficulties arise. If the company law were properly administered, I do not see any reason why this amendment should have come up now.

Now, what are the other reasons for bringing forward this Bill? The proposed amendments, if passed, will nullify the property rights of individuals, and make them depend on the mercy of Government. The proposed clause 2A to article 31 takes away the normal protection of law, where the property is acquired not for transfer to Government, but to some other party. The amendment to article 31A also takes away the protection of fundamental rights in respect of agricultural holdings, and even the tiller's land is subjected to a statutory limit.

I am not a person who understands much about this question of land reforms. But I do submit that even in regard to this question of land reforms, the fixation of ceiling on holdings is bound to create a lot of difficulties. Take the case of a farmer who holds 30 acres of land today; if the State decides to fix the maximum holding at 15 acres, this farmer will lose 15 acres without any compensation practically. That is going to be the position as a result of this amendment. What an amount of trouble it will create! I come from a constituency where I can tell you the farmer is very much attached to his land. I know that a number of murders have been committed there simply because a bag of grain had been taken away. That being the position, I do not know what will happen if there is a law which seeks to take away the land from the farmer. I do not know what difficulties will be there in the future, if this law is passed. Instead of keeping more pressure on the land, why not find out ways and means to reduce the pressure on land rather than try to frame a law in this manner which is bound to create a lot of difficulties?

The next argument that has been put forward in support of this Bill is that an amendment of this nature would be required in respect of immovable property acquired for the purpose of giving relief and rehabilitation to refugees. My hon. friends Shri N. C. Chatterjee and Shri H. N. Mukerjee have already spoken about this matter, and told us what effect the proposed amendment will have.

In respect of lands, huts and houses declared as slums, the Prime Minister has said that he does not want to pay any compensation. Who is going to be the loser? I am afraid, we have to face this question. It is not that the

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slums are owned by some people. Actually, he may not be the owner of the land. May be that the man who owns the land has not got anything on it. So that difficulty will arise.

Then there is the question of vacant land. I do not understand how the question of vacant land has been mixed with this. Then it is said, 'the taking over of the management of any property by the State for a limited period either for a public purpose or for proper management'. I can understand this if it is question of mismanagement. But who is going to judge whether it is proper management or not. I can understand mismanagement. The company law provides all possible safeguards for that. What is this question of proper management? I do not understand it. I can understand your taking over from a person if he mismanages it, but what is this question of proper management?

Then there is the question of compulsory amalgamation of two or more companies. We know very well that in one case in Calcutta, there was amalgamation of very big companies. It took a little time, but it did take place. Why should the Constitution be changed for that purpose? Amalgamation of two companies can easily take place without the shareholders' right being abridged. Why should you abridge the right of a shareholder for that reason? If he does not want to join in an amalgamation, if it is not in his interest, I do not see any reason why the 'Constitution should be amended because we want in the public interest the amalgamation of a number of companies.

The Minister in the Ministry of Law (Shri Pataskar): If the amalgamation is in the national interest, what should be done?

Shri Tulsidas: I do not think it is a question of the national interest coming in. After all, the shareholders are there. In the democracy that we have got in this country, if it has to function properly, the shareholders must have their voice in their affairs. If anyone has invested his saving in a particular company, and he does not want that company to be amalgamated with any other company, I do not think that he should be forced to agree to amalgamation; he should not be coerced to do so.

Then the next point is about extinguishment or modification of any rights of agents, managing directors, managers or shareholders of companies *in any circumstances whatsoever*. I do not mind whetever you do with regard to managing agents or managing director. But what about managers or shareholders? Should their rights go? And what is the purpose of doing it in any circumstances whatsoever? With what reason can you do it?

Then it is in respect of extinguishment or modification of rights of mineral concessions, licences and agreements and also licences of public utility companies for supply of electric power, light or water. I am quite sure that under the mining lease laws and other laws on our statute-book, this can be easily done. I do not know why the Constitution should be amended for this purpose. This can be easily done provided these very laws are perfected and properly administered. I do not see any reason why the Constitution should be amended for this purpose.

According to what is being done now, all property rights will be absolutely at the mercy of the Government, not only the legislature, but even the executive, whosoever is authorised. Now, people say, 'They will have to come to the legislature every time'. No. You know in the Bill we have got different laws to be revalidated. There is the Industries (Development and Regulation) Act. The executive can take over all these things without going to the legislature. There is a general authority given to the executive to take over all these things. The fundamental right to property will thus become a myth.

That will be the cumulative effect of all this. We have on the one hand the fundamental right to hold, acquire and dispose of property. On the other hand, according to what we are going to do now, there will be question of right to property. The fundamental right to property will thus become a myth, and the Government will be able to trample under their foot the individual right to property in lands, buildings, businesses and companies.

I would like to point out another aspect of it. People say, where is the question of expropriation? If there is no question of expropriation, if the Government wish to pay compensation, whether it is adequate or not, what is the necessity of having this amendment? I do not see any reason why this amendment is necessary, if there is an intention to pay compensation. I would like to remind my friends, Shri Asoka Mehta and Shri H. N. Mukerjee that in the last elections the manifesto of the PSP was in terms of land expropriation, and the election was lost. Even today, what is the position? It is because the Congress Party is considered to be the middle-course Party that the Congress has got the confidence of the people.

Shri B. S. Murthy (Eluru): No, no.

Shri Tulsidas: It is not because of any other reason. (*Interruption*). It is because of that reason that the elections were lost by the PSP and by the communists. I would say this, that if any Party feels that it should do this, it should seek a mandate from the people. Then it will be quite in order for it to do so. Even today, let us have a convention that such fundamental changes in the Constitution should always be effected after putting the matter before the people as an election issue. Then it will be correct and logical, if that Party has got a mandate from the people, to do so. But what is the position today? People have not been told of this. You may say that the Bill has been before the public all these months. But people do not know anything about what is contained in the Bill. We have not got literacy to that extent. You may be knowing it. (*Interruptions*). Everybody knows about it.

Now, let us take the question of the running of companies. We want today in this country more and more companies to come up. Do you expect that with these powers in the hands of the Government, people will invest money in companies? I am not talking in terms of the small shareholder now. Why not think in terms of people who decide to go into investment? Do you expect these people to invest in companies? I do not think that people will have any confidence with these powers in the hands of the Government.

I have already made most of the points which I wanted to make. I would once again request the Joint Committee to go into this and consider very seriously whether these amendments are really necessary after looking into the different Acts that we have got, the different laws that we have got, whether it is not desirable to make these laws perfect, whether it is not desirable to see that these laws are properly administered, whether the effect we want to have will not be achieved without amending the Constitution. I do not think that with these amendments we will have the industrial expansion we need. We have still to have industrial expansion in our country. We want foreign companies to come here and invest their money. We want to encourage foreign companies to do that. But do you expect foreigners to come in now? I know, for instance, of a foreign company which wanted to start, in association with some people here, a very big industry. When they heard about this, they were discouraged and they are still thinking whether they should come in with these changes in the Constitution. It is a thing which has to be considered. The hon. Prime Minister has said that the Select Committee will have an open mind. I only hope that the Select Committee will have a completely open mind,

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and will go into all these aspects and then amend the Constitution only where it is absolutely necessary. Otherwise, there is no meaning in amending the Constitution just because you find that a particular law was not made perfect or a particular law was not administered properly.

1 P.M.

Shri U. M. Trivedi: The question of this amendment of the Constitution brings before us the picture of the fundamental rights as laid down in Part III. Unfortunately, the only fundamental rights that are guaranteed to us in Part III are laid down in articles 14, 19 and 31. Any fundamental right that is given to us by the provisions of articles 20, 21 and 22 are treated by our friends like Shri Gadgil and Shri C. C. Shah as the fundamental right of the State. According to them, article 22 is always meant as a fundamental right of the State to arrest anybody without trial and put him behind bars. So the fundamental rights that remain with the public are the rights as enumerated in articles 14, 19 and 31. These rights are now being taken away by the provisions of this Bill which provides *inter alia* that no law providing for acquisition etc. shall be deemed to be void on the ground that it is inconsistent, with, or takes away, or abridges any of the rights conferred by articles 14, 19 and 31. Kaka Gadgil is not here in the House at present, but he said that he would like to go into the constituency of one and all who comes here and says that he opposes this amendment, and hold him out to be a person doing an act of treason. I challenge him to go to my constituency because I say here that with all the vehemence at my command I am going to stand against this amendment of the Constitution because this deprives every hut owner, every farmer and every small man of his thrashing ground, of his wells and villages that are there without paying a single pie as compensation. This is what is going to happen and that is what is being provided here. It is the poor man who cannot engage counsels, who cannot go before the Supreme Court or before the High Court who will be deprived of all his property. They must open their eyes. This is what is happening and I have seen it with my own eyes in the Damodar Valley Corporation and in the Gambhiri dam in Rajasthan, where people are not being paid a farthing for the lands that are taken away from the villagers and they are told,

"हमारी स्कीमें चलती हैं, हम चलाते हैं"

This is what the Minister for Parliamentary Affairs, Shri Satya Narayan Sinha says; he has got a steam roller which goes on working and you are crushed under it; you get out. It is just against this that we will raise our voices and I will raise my voice with all the vehemence at my command that this should not be done. This is what is going to happen for it is the poor people against whom the whole thing is aimed.

With your permission, I will read this amendment to article 31A:

> "(e) the acquisition or requisitioning for a public purpose of any land, buildings or huts declared in pursuance of law to constitute a slum or of any vacant or waste land, ..."

Under the guise of public purpose it is being taken away. I have witnessed that some big guns, rich persons, big officers, Ministers themselves have acquired the property of the poor men. I know instances in Udaipur of poor men whose huts were acquired and they were told that a big Vidyapith was going to be built up and that was the public purpose and at the end the Government said we have no funds, we will now give it to Maharaja so and so, or Raja so and so or Darbar so and so. All these lands have been distributed and sold away to those who had money and the poor people have been deprived of their rights, of their lands where they have lived for ages and ages they have been driven out. What ever Kaka Gadgil may have to say I say we will stand up against the

provision with all the emphasis at our command.

After all, this Welfare State was created and the Constitution gave us certain fundamental rights. What were these fundamental rights? The fundamental rights were not only of personal liberty but of holding personal property also. One of the speakers in yesterday's debate said that this will only be the death-knell of the capitalist private property and not of private property as such. I would like to know wherefrom this distinction is drawn to say that this is merely the death-knell of the property of the rich and not of the property of the poor. We have got a saying in Gujerati which means that one is not afraid of the old woman dying but one is afraid that now that Yama has seen the house he will enter it again. That is what is going to happen. It is immaterial if some property of the rich is taken away. Nobody feels for it. But we say that you make a provision in such a manner and see that you do not throw open the door for taking away the property of one and sundry. What distinguishing feature is there in the amendment? Who will say, the rich man's property will be touched and the poor man's will not be touched? Where will be the line of demarcation?

Then this says, 'the extinguishment or modification of any rights in estates or in agricultural holdings'. What will be an estate? Very recently, I have seen in connection with cases about the abolition of jagirdari, that jagirs of 2 bighas have been snatched away because they were called jagirs. Unless you define what agricultural holdings can be taken, all kinds of agricultural holdings can be taken away. This is what has happened in the cases which I have narrated before and to which I referred in the beginning of my speech. Big schemes are there in the Irrigation and Power Projects and the various States have taken lands without taking into consideration what compensation is to be paid to the poor men whose lands are being taken and who are being displaced. We have had whole crowds of displaced persons from the West and the East and now we will have displaced persons from the Centre of us. Provision is made for the taking away of their hearths and homes for the taking away of their huts, for the taking away of their thrashing grounds and nobody would tell them what is going to happen and all this will be according to the Constitutional Amendment which is provided here. It may be said,

अच्छा चलो, हम बीस रुपया देते हैं।

How will the people be able to rehabilitate themselves? What will be the point that could be determined by a court of law once this provision is made there in 31A? I, therefore, submit that whatever good things there might be in it, the amendment which is now being suggested in the Constitution is wrong on point of law, wrong on point of morality and wrong on point of public policy.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes) *rose*—

Mr. Deputy-Speaker: The hon. Member has not finished.

Shri Venkataraman (Tanjore): The peroration was very much like a conclusion.

Shri U. M. Trivedi: The other point that has been tried to be made out by some of my friends on the principle of their policy is that it is desirable when we want to have a socialistic pattern of society and that these expropriatory measures should be welcome. To a certain extent, it may be true. But, after all, what is the socialistic pattern? Simply because the English word socialism is used, it pleases everybody. We who were slaves of the British for a long time and always remain enamoured of the fact that the English word socialism is used and say that it is very good for the purpose (*Interruption*). Therefore, we feel very happy when this word socialism is used.

After all, what is the pattern that is going to be brought before us?

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Those of us who have been watching the various progressive measures of the United Kingdom and those who have ever gone there feel in our heart of hearts that if there is anything like a socialistic State or a Welfare State, a State which does the greatest good to the greatest number of people, then it obtains only in the United Kingdom. But, if there is any other place where the greatest good of the greatest number obtained without depending upon anybody else, it obtained in our Hindu society. The greatest social security was provided by the Hindu Joint Family system. It is on account of that that today, with all the drawbacks that might be there on account of the said administration, on account of the slavishness under which we suffered, on account of the slavery that was imposed upon us by the Muslims and by the British rule, we have still survived. It was only on account of the socialistic pattern that was obtaining there.

An Hon. Member: What about the Harijans?

Shri U. M. Trivedi: We want them; they have always been Hindus. I do not know, I have yet to come across anybody saying that Harijans are not Hindus. I for one always stand for Harijans and say that they are Hindus, they shall always remain Hindus and we always welcome them.

Mr. Deputy-Speaker: Some of them were Buddhists.

Shri U. M. Trivedi: I am not concerned with the Buddhists. I know nothing of Buddhism and I do not want to indulge in it. I say what I know and what I have said is this. But for these two socialistic patterns that exist or that had existed....

Shri Punnoose (Alleppey): What was the position of the Harijans in your socialism?

Shri U. M. Trivedi: I will let you know; that was not communism at least.

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): What about the condition of Harijans in your society?

Shri U. M. Trivedi: Your present condition is so good that I always value you as a Hindu and we do not want to call you a Harijan, but you want to be called a Harijan for getting something for your own aggrandisement and for being called a great leader and for holding out to the rest of the world as such. I say you are my brother, you are a Hindu and I welcome you as such. I do not want to welcome you as a Harijan.

Shri P. N. Rajabhoj: Only by name?

Shri U. M. Trivedi: By name you are a Rajabhoj. I am sorry for this interlude.

Looking at the provision of clause 3, the provisions in (b), (e) and (i) are, to my mind, entirely superfluous. In the amendment at (e), the use of the words 'public purpose' is made and this takes away the right conferred in article 31 itself and there seems to be something contradictory in terms.

I will now come to the provisions in article 31 A, sub-clause (i) and I do not find for a moment any justification for putting in this provision, which says—

> "the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or for the purpose of supplying power....."

Any such permit or licence for searching for mineral oil could only be granted by a State. If it could be granted by a State, why not make a rule that the agreement, lease or licence itself must provide for a cancellation, and cancellation without giving any compensation or after giving so much notice or not giving such notice? Why can it not be embodied in the ordinary terms of the contract and why an amendment of the Constitution is sought for? It passes my comprehension as to why this should

have been put in the amendment to the Constitution.

The other mischief that is there in this provision, which was also in the original amendment to article 31A is that this amendment, which is being made, shall be deemed always to have been substituted there, that is to say, that the Bill will have retrospective effect. People's right to approach the courts for preservation of their rights will be hit by this provision. It is a general conception of law that any retrospective provision which takes away or abridges any rights which are in the enjoyment of a person should never be made or permitted. We are going against the process of natural justice in making this provision.

In the amendment of article 31, we are saying that the following clauses shall be substituted, namely—

> "(2) No property shall be compulsorily acquired or requisitioned by the State save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given.
>
> (2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property by the State, notwithstanding that it deprives any person of his property."

This is too much. Shri Das, a very elderly gentleman, is sitting here. I can take away his coat by virtue of the fact that the provision is made here and put a level behind his coat that this belongs to Shri Das. I can go on doing like this. He may be shivering and I may be wearing it and yet there cannot be any compensation for it. Similarly, any property of any man can be acquired by the provision of this law and yet he will not be entitled to any compensation. In the Daeziel's Constitutional Law, the Chief Justice Latham has pronounced that we are leaving the husk and taking away the whole substance and yet we say we have not taken away anything from you. On merits I oppose this Bill.

Shri Venkataraman: Throughout the course of the discussion of this amendment yesterday, it was sought to be made out by speakers, particularly, Shri Chatterjee and one or two others, that this amendment implies a sort of disrespect to the Supreme Court of India and by trying to amend the Constitution, we are really doing something derogatory to the dignity and honour of the Supreme Court. You are well aware that in a written Constitution a certain amount of conflict between the legislature and the judiciary is inherent. Not only does the question of interpretation of the laws made by Parliament give cause for such friction but a deeper political reason adds to this conflict. A Parliament which is elected once in three or five years has necessarily to carry out the behests and the will of the people, while the judiciary, which is appointed for life and very often not removable except on an address by both Houses, will be largely guided by precedence of the past and also by a desire to preserve the *status quo*. This is the basis of the conflict. While the legislature wants to bring forward progressive legislation, the judiciary is trying to put a check so that in the democratic enthusiasm they may not outrun the bounds. In every case it is a matter for the legislature to find out what they want and whether they should not have their ideas and ideals formulated by such amendments to the laws so that the judiciary may interpret them and carry out the will of the people. Exactly the same situation has arisen here. At the time when these articles were discussed in the Constituent Assembly, three of the eminent leaders on

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the Congress side spoke as to what they meant by these clauses which are now embodied in the Constitution. I will briefly refer to one or two speeches.

The Prime Minister, who moved that article, said, dealing with clause 24 as it was and clause 31 as it is now in the Constitution: "The next clause says that the law should either fix the amount of compensation or specify the principles on which, and the manner in which the compensation is to be determined. The law should do it. Parliament should do it. There is no reference to this or to any judiciary coming into the picture. Much thought has been given to it and there has been much debate as to where the judiciary comes in. Eminent lawyers have told us that on a proper construction of this clause, normally speaking, judiciary should not and does not come in. Parliament fixes either the compensation itself or the principles governing the compensation and they should not be challenged except for one reason where there has been a gross abuse of law or where in fact there has been a fraud on the Constitution."

The idea in framing this article, that is, article 31, at that time was that while guaranteeing the right of the citizen to private property, where public interest requires it Government should be able to take over private property on payment of compensation.

Now, if you look at the decisions which have been given on this particular aspect by the Supreme Court, they have interpreted the word 'compensation' as to mean the exact equivalent or the market value. In Bela Bannerji's case this is what has been said by the Supreme Court at page 562 of the *Supreme Court Reports*:

> "The Attorney-General while conceding the word 'compensation' taken by itself must mean a full and fair money equivalent, urged that, in the context of article 31(2) read with entry No. 42 of List III of the Seventh Schedule, the term was not used in any rigid sense importing equivalence in value but had reference to what the legislature might think was a proper indemnity for the loss sustained by the owner",

so that the contention of the Government was put forward by the Attorney-General in those words in which he said that even though normally the legal phraseology, "compensation", would mean the market value, in the context in which it has been used in article 31(2) it means that the legislature of the State should have the right to prescribe the amount of compensation that should be given in each case.

Now, I may also refer to another case in which the word 'compensation' was held to be the equivalent market value. It is the Rajasthan case reported in *54 Supreme Court*, page 982. There, foodgrains were requisitioned at a price fixed by the Government, and the court held that the price fixed by the Government being less than the market price would offend article 31(2) of the Constitution and therefore it would be void. The result of both these decisions is that under article 31(2) of the Constitution, unless a matter is protected under article 31(2A) or under article 31A, all other matters can be acquired by the State only on payment of compensation meaning thereby the full market value. That was the law, before this amendment was brought here. That continues to be the law even after the amending Bill has been brought. I want to ask this question. What exactly is the stand that the Government take? In his speech yesterday, the Prime Minister said:

> "The question really has resolved itself as to the manner and quantum of compensation. Now, I had thought when we passed this article in the Constituent Assembly, that we had made it

> perfectly clear that Parliament would fix either the quantum of, or the rules governing, compensation and after that there would be no challenge at all."

This is what he said yesterday and then he goes on to say that there would be compensation but Parliament would determine the quantum of it or fix the rules governing it. May I just ask the Government whether this is what they want to carry out by this amending Bill? If they want to carry this out in the amending Bill, the amending Bill does not carry out their intention. Article 31, when compared with article 31(2), as now framed in the Bill, will show that the word 'compensation' continues to appear in both these articles. If that is so, if the interpretation of the Supreme Court is correct—as we have to accept it as the correct interpretation—then, it means that in all cases not covered by article 31(2A) and all cases covered by article 31A, you will have to pay the market value and not any value which may be fixed by the State, by the Parliament.

Mr. Deputy-Speaker: What is the object of fixing it then, in clause (2)? If it is only the market value, why should they fix the compensation? By the time it is paid, the market value might change.

Shri Venkataraman: The market value will be in relation to the time at which the deprivation takes place and at that time the State Legislature may say, "The price of foodgrains is Rs. 14 per bag now, that is the market value, and we will acquire it at Rs. 14 per bag," or they may say that they will acquire at such price as prevails in Madras, Calcutta, or Bombay where the market prices may vary.

Mr. Deputy-Speaker: Why should it fix in the case of market value?

Shri Venkataraman: It gives the option. What the article gives is the option to the Government or to the State Legislature or the Parliament as the case may be to either fix it at the price which is prevailing on the day or to leave it for some price to be determined later. My submission is this. I want this to be very carefully looked into by the Government.

Shri Pataskar: If this price is fixed by the legislature, how can it be challenged?

Pandit Thakur Das Bhargava (Gurgaon): It must be just equivalent in value. Therefore, it must be the market value, and nothing else. You are accepting those rulings for all interests except those mentioned in article 31A where you do not even make a provision for compensation and mention of public purpose.

Shri Venkataraman: This is a very important question which I want the Government to look into. What do they want? Do they want to pay market value in respect of those items not covered by article 31(2A) as well as 31A? In that case, let us frankly say it. Let us say that we want to pay the market value and that is why the clause is preserved as it is. But if, on the other hand, it is the intention to pay what the legislature thinks fit and proper or which has to be calculated on the basis of the principles which the legislature is going to frame, then, your intention is not carried out at all. The decision of the Supreme Court is this:

> "While it is true that legislatures are given the discretionary power of laying down the principles which should govern the determination of the amount to be given to the owner of the property appropriated such principles must ensure that what is determined as payable must be compensation, that is, a just equivalent of what the owner has been deprived of. Within the limits of the basic requirement of full indemnification of the expropriated owner, the Constitution allows free play to legislative judgment as to what principles should guide the determination of the amount payable."

Mr. Deputy-Speaker: Fix such amount as it deems proper by way of compensation.

Shri T. T. Krishnamachari: May I ask the hon. Member whether he makes any distinction, or he is able to distinguish between articles 31(2) and 31A?

Shri Venkataraman: I will answer that. So far as article 31A is concerned, certain specified categories are excluded from the operation not only of article 31 but articles 14 and 19 as well. Notwithstanding that the Act infringes article 14 of the Constitution as well as article 19 of the Constitution, anything done in pursuance of the powers vested under article 31A is valid. On the contrary, anything done in pursuance of the powers vested under article 31(2), if it offends article 14 or 19, would still be invalid, notwithstanding clause 31(2). That is the interpretation which the Supreme Court has given, because in article 31A, we are specifically excluding the operation of other articles while in article 31(2), we are not excluding the other articles. Therefore, my submission is, let us make this clear to the public and to the country whether or not we want to pay compensation at market rates. Of course my view is different. I say it ought not to be paid nor is it just and proper that it should be paid. If really that is the object which the Government also shares, then, it would be necessary to so amend that any compensation fixed in article 31(2) shall not be called in question in any court of law.

Shri C. C. Shah (Gohilwad-Sorath): The question is not only of paying compensation according to the market value: the question is whether we want to make that compensation justiciable. We may even pay market value under article 31A, but that is not justiciable. Therefore, my friend will also realise that the question is not only whether we pay market value but whether it would be made justiciable under article 31(2) as it stands. It remains justiciable as it is.

Shri Altekar (North Satara): Under article 31A you may not pay anything at all and still it is not justiciable.

Shri Venkataraman: My point is this. Whether it is justiciable or otherwise is only a matter of interest to lawyers. What concerns me most is the question of the amount of compensation. If you are called upon to pay for all the junks and all the materials useful as well as useless and the market value is to be calculated, I say that it would not be possible for the State at any time to acquire any property for public purposes except when it is covered under article 31.

Now, I will just pass on to the next point. This matter, I am sure, my esteemed friend Shri T. T. Krishnamachari, the draftsman of the Constitution, will be able to clear not only to this House but to the public at large. Clause 2A will according to Government, protect any transfer provided it is not a transfer of ownership or the right to possession and they intend to cover cases like the Sholapur Mills case. But, there have been several interpretations of this Sholapur Mills case—I mean the second Dwarka Das case. To me it appears that ultimately the decision rested not so much on the question whether article 31(1) has to be interpreted separately from article 31(2) or whether the whole article should be deemed to concern only with eminent domain, but on this question whether there was a substantial deprivation of property by the State. That is to say, they detailed all the deprivations of property; the adjuncts or ingredients of property. Now, the managing agency was dismissed; secondly the directors were dismissed; thirdly the shareholders were not given the authority to meet and decide whether or not they should make a call on the shareholders for the uncalled liability. Having deprived these rights they have deprived them of property. Then they also quote the case of Dalziel where the famous decision, "where the husk of the title is retained and the substance is taken away, then in that case it shall be deemed to be a deprivation of property" was given.

Sir, I want you to consider the language of 2A. Even in this case after the right of the shareholders is

removed, the directors are dismissed, the managing agents are dismissed, the shareholders are prevented from electing any directors, the shareholders are told that except to own the share script in their hands they have no other right in respect of management of the company with which they are concerned. I am afraid it will come within the operation of transfer of ownership because there also it is a case in which only the husk of the title is retained and the substance of the property has passed. Therefore, if it is the intention of the Government to cover all those cases in which they want, in the interest of the public to transfer the management, right or authority from one individual to another, they should protect themselves in a far better way than they have done under this clause which will not carry out the object for which this amendment 2A has been brought in.

There is also a sort of redundancy between (2A) and (f) of 31A. 31A(f) also deals with taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property. In 2A also it is only for a temporary purpose. The difference would be that whereas in one case it is the State, in the other it is not. But, in substance, what is sought to be done is the transfer of the right of property from one person to another.

Sir, you are aware that while interpreting the Constitution—article 31—the Supreme Court laid great emphasis on the construction against redundancy as they are bound to do. They construed article 19 and article 31(5) and came to the conclusion that if article 31 is intended to include police powers under its clause (1) then there is redundancy so far as article 19 is concerned in certain respects and 31(5) in some other respects.

Shri Pataskar: The other view is by way of caution only.

Shri Venkataraman: Sir, there are two things. When particularly a statute like the Constitution of India is framed, the rule against construction which would lead to redundancy will more appeal to the court than the rule that it is only by way of abundant caution. The rule against construction of any clause as a redundant clause is very well established. Therefore, I would very seriously urge Government to look into this and see whether there is not a redundancy which has got to be removed in order to be protected against an interpretation against their own views.

So far as 31A is concerned, I warmly welcome the provisions. In so many States land reform is on the anvil. In my own State the Committee has recommended that a ceiling on the ownership and cultivation of land should be fixed and the limit is fixed as low as even 20 or 25 acres. We are all in favour of agrarian reforms. We are all anxious that those who own lands should not be allowed to remain absentee landlords and deprive the sons of the soil of their means of livelihood. We are certainly in favour of all the provisions relating to A, B, C and so forth. But, when we come to industries we are a little perturbed.

An Hon. Member: Yes; right you are.

Shri Venkataraman: Yesterday Shri N. C. Chatterjee said that the country and the business world are greatly perturbed by this amendment to the Constitution. On the contrary we are greatly perturbed by what the amendment has not done rather than by what it has done. The Constitution has made no endeavour to bring under its provisions the taking over of such well-known institutions capable of public management as insurance companies, banks and certain public industries. If we want to bring all those items under public ownership or public control, not for a temporary period, but for ultimate ownership, then there is no provision in this amendment of the Constitution by which we will not have to pay full

[Shri Venkataraman]

compensation at market rates. Sir, I want to ask: "Are we going to write off in perpetuity the right of Government to acquire any industry, bank or insurance company or any other public utility if it is in other people's hands?" If the Government wants to have the power—Government is anxious to have the power to acquire industries .....

Shri T. T. Krishnamachari: Government always has the power of eminent domain.

Shri Venkataraman: But, on payment of compensation at market rates. That is exactly my complaint. The power of eminent domain is there, but in that case you pay a fabulous price and you want to mortgage the welfare of the people for the benefit of a few persons.

Pandit Thakur Das Bhargava: And also violate section 14. In that respect it clearly means that landed interests can be ruthlessly killed but these interests are sacrosanct and cannot be killed.

Shri Venkataraman: Sir, I am very anxious that there should be a provision by which Government would be enabled to acquire interests in industries, banks, insurance companies and such other institutions in the public interest by payment of what the State considers to be the proper compensation; what the legislature considers to be the proper compensation and not what the courts have already held to be the proper compensation. Therefore, I find that while this Bill goes quite a long way in trying to bring about a pattern of society in which differences will be slightly reduced, ...

Shri Bogawat (Ahmednagar South): Substantially reduced.

Shri Venkataraman: It makes an unfair concession to a section of society, or to a section of the property owners. I am an owner of 20 or 25 acres of land. My land is liable to be taken by the Madras Government by a legislation in which compensation will be fixed by that legislature without reference to the market value, and yet, it will be valid. On the contrary, all institutions in which people have got enormous interests and phenomenal wealth cannot be touched except by payment of compensation at the market rate. This is inequitable. Government has to see that it brings forward suitable amendments to provide against such a contingency. I frankly confess that my arguments have been based on the interpretation of the two decisions of the Supreme Court in the Bela Banerjee's case and the Rajasthan case.

Shri Pataskar: Hereafter they may change the interpretation.

Shri Venkataraman: We are hopeful. We are a sanguine race. When we have three judgments before us, which are accepted as the law of the country, when we are amending the Constitution, we do not amend it and still hope for something to turn up.

Therefore, my submission is this. The amendment of the Constitution really tries to bring about some change and bring about an egalitarian society to some extent. I am not saying, to a large extent. Particularly, the articles relating to land owners, zamindars and all that are the first step in the progress towards that. At the same time, we must see that, in view of the fact that full compensation at market rates has to be paid in respect of the acquisition of industries, it fails to include in the present legislation the power which it seeks in respect of other kinds of property. If we do not amend .....

Mr. Deputy-Speaker: Are there not exceptions in clause 3? Hon. Member wants a larger exception? In the case of abridging of rights under article 31, with respect to acquisition of property, it is any amount of compensation, whatever may be fixed.

Shri Venkataraman: That is my submission. So far as article 31A is concerned, it is protected not only against article 31, it is protected against article 19, it is protected

against article 14. With the result that any legislature, if it wants to put a ceiling on land holding, it can say, all land over and above 20 acres possessed by any person will be taken by the State and no compensation is payable and still the law would be valid. On the contrary, if it is a company, there is nothing about that.

Mr. Deputy-Speaker: All his arguments refer to not taking over or making a similar provision with respect to other estates than landed estates, factories, industries, etc.

Shri Venkataraman: That is my point.

My submission is that this serious shortcoming in this legislation should be filled by the Joint Committee and I am sure the Members of the Joint Committee will do this.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): We will do it.

पंडित ठाकुर दास भार्गव (गुड़गांव) : जनाब डिप्टी स्पीकर साहिब, मैं आप का बड़ा मशकूर हूं कि आप ने मुझे इस बिल पर बोलने का मौका दिया। मैं अदब से गुजारिश करना चाहता हूं . . . .

Some Hon. Members: English, please.

Shri Gidwani (Thana): Before that, I wanted to know if the Law Minister accepts the interpretation of Shri Venkataraman that full compensation will be paid to industries.

Mr. Deputy-Speaker: The hon. Member may go on. At every step you do not go on asking whether the Law Minister accepts an interpretation or not.

पंडित ठाकुर दास भार्गव : शुरू में जब हम ने कांस्टीट्यूशन में दफा ३० पास की थी उस वक्त जैसा कि श्री वेंकटरामन ने कहा हैं, सारे हाउस की, सारे मुल्क की, सारी कांस्टिट्यूयेंट असेम्बली की मंशा यह थी कि हिन्दुस्तान में जमींदारियां खत्म हों और हम यह भी समझते थे कि यह तब तक नहीं हो सकता जब तक पूरा कम्पेंसेशन दिया जाता हैं। चूंकि हमारे प्राइम मिनिस्टर साहिब ने जब मूव किया और उसके बाद पंडित पंत जी ने श्री अलादीकृष्णस्वामी और दरअसल हर एक मेम्बर ने जो कि इस कांस्टिट्युएंट असेम्बली में था इस बात को कबूल किया कि जहां तक एबालिशन आफ जमींदारी का सवाल हैं कोर्टस आखिरी फैसला नहीं करेंगी, लेजिस्लेचर्ज ही आखिरी फैसला करेंगी, कि कितना मुआवजा उनको दिया जाए और कितना न दिया जाए। आखिर में यह हुआ कि सारी एबालिशन आफ जमींदारी के बारे में लेजिस्लेचर्ज ने जो फैसला किया उनपर कोर्टस ने कोई कानूनी फैसला नहीं दिया लेकिन जब यह मामलात सुप्रीम कोर्ट के सामने गए और जो फैसलाजात वहां दिए गए और जिन का हवाला मेरे दोस्तों ने यहां पर दिया हैं उनको पढ़ने के बाद मैं यह अर्ज करना चाहता हूं कि कांस्टिट्युएंट असेम्बली का असल मकसद सेंकशन ३१ को बनाने का था वह बिलकुल मफकूद हो गया। हमारी यह ख्वाहिश कि कितना कम्पेंसेशन दिया जाए और किस तरह से दिया जाए इस का जो फैसला हैं वह लेजिसलेचर करे इन दो फैसलों की रू से जिन का हवाला अभी श्री वेंकटरामन ने दिया हैं आज कानून यह बन गया हैं कि मार्कीट वैल्यू अगर दफा ३१ (२) में आती हैं तो आखिर मार्कीट वैल्यू ही देनी होगी और इस कानून को सरकार आज भी सही समझती हैं हालांकि जो हमारी मंशा थी कांस्टिट्युएंट असेम्बली में यह उसके कतई बरखिलाफ हैं। कल जब हमारे ला मिनिस्टर साहब ने इस पर व्याख्या की तो उन्हों ने भी इस पर एक लफ्ज तक नहीं कहा कि दरअसल हम इसको तबदील करना चाहते हैं या नहीं। मैं समझता हूं कि श्री वेंकटरामन ने इसके बारे में जो आज कहा हैं वह बिल्कुल दुरूस्त हैं। मैं आप से अर्ज करना चाहता हूं कि अगर आप चाहते हैं कि लेजिस्लेचर इस बात का फैसला करे तो आप इसको ठीक

[पंडित ठाकुर दास भार्गव]

तरह से एमेंड कीजिये और दफा २१ (२) को जब तक आप तबदील नहीं कर देते तब तक इसके मानी यह साफ हैं कि आप चाहते हैं कि कम्पेंसेशन जैसा की सुप्रीम कोर्ट ने करार दिया हैं उसके मुताबिक मिले । असलियत यह हैं कि जब हम ने अपना विधान बनाया था तो हम ने इसको अंग्रेजी जबान में बना कर बड़ी भारी बेवकूफी की। अंग्रेजी जबान में आप किसी भी डिक्शनरी को उठाकर देख लीजिये आप को कम्पेंसेशन का मतलब वही मिलेगा जो कि सुप्रीम कोर्ट ने दिया हैं और उसने दुरुस्त ही दिया हैं इक्वेलेंट और जस्ट कम्पेंसेशन हो। यह हमारी मंशा नहीं थी। उर्दू की डिक्शनरी में देख लीजिये उस में आप मुआवजा लिखा हुआ पाएंगे जिस का मतलब यह हैं कि जो कुछ भी आप देना चाहें दें। मैंने संस्कृत व हिन्दी का विधान देखा हैं वहां भी यही हैं। हिन्दी में मुआवजे को प्रतिकर कहते हैं। इस का मतलब भी जस्ट कम्पेंसेशन का नहीं हैं। यह जस्ट कम्पेंसेशन तो हमारी डिक्शनरी में मैगना कार्टा व अमेरिकन कांस्टीट्यूशन से आया हैं। सुप्रीम कोर्ट ने फैसला उसी चीज पर करना हैं जो कि उसके सामने हैं। सुप्रीम कोर्ट यह नहीं देखेगी कि मूवर ने क्या कहा या दूसरे मेम्बरों ने क्या कहा। उसको तो सिर्फ यही देखना होता हैं कि वह लफ्ज जो कि इस्तेमाल किया गया हैं उसके असली मायने क्या होते हैं। अगर वह हाउस का मंशा देखे तो उसमें वह कुछ स्पीचिज उसके हक में भी और कुछ उसके खिलाफ हुई भी देखेगी। इस वास्ते सुप्रीम कोर्ट ने ठीक किया कि इस लफ्ज के इस्तेमाल को देखा। हमारी गलती थी कि हम ने दफा २१ जब बनाई तो उसके अन्दर लफ्ज कम्पेंसेशन का इस्तेमाल किया और यह कह दिया कि इंगलिश वर्शन ही आथारिटेटिव वर्शन हैं। लेकिन मुझे अफसोस हैं कि आज भी वही अलफाज और वही लैंग्वेज हैं और जैसा कि श्री वेंकटरामन ने कहा कि सिवाय ओन इंटरेस्ट के जो अगली दफा में आते हैं २१ (ए) के तहत अब भी अगर गवर्नमेंट कोई चीज एक्वायर करना चाहेगी या रिक्वीजीशन करना चाहेगी तो उसका पूरा मुआवजा उसको देना पड़ेगा।

१.४०

यह आजतक न हमारा मतलब था और न आज यह हमारे प्राइम मिनिस्टर साहब का मतलब हैं। आज भी उनका मतलब इस सेक्शन की रू से पूरा नहीं होता। मुझे नहीं मालूम कि किसने यह ड्राफ्ट किया था। मैं बहुत अच्छा ड्राफ्ट्समैन तो नहीं हूं लेकिन इसके जो मानी मैं समझता हूं वे ये हैं। दफा २१ के एक मानी तो यह हैं कि इसके मातहत सरकार जो चीजें अपने कबजे में लेगी उसके लिए यही फैसला होगा कि पूरा कम्पेन्सेशन दिया जाय। पहला नुक्स तो यह हैं कि यह न हमारे पुराने मंशा को पूरा करता हैं और न हाल के मंशा को पूरा करता हैं। इस लिये सिलेक्ट कमेटी को इस में दुरुस्ती करना चाहिये।

अब मैं दफा ३१ ए की तरफ आता हूं। यह सेक्शन ऐसा हैं कि अगर यह कंट्री के सामने जाय तो मैं यह मानने को तैयार नहीं हूं कि कंट्री इसके हक में होगा। मैं गाडगिल साहब के ये अल्फाज सुनकर हैरान हो गया कि जो दफा ३१ ए के खिलाफ बोलेंगे वे हाई ट्रेजन के गिल्टी होंगे। मैं उनकी शान के खिलाफ एक लफ्ज भी नहीं कहना चाहता। लेकिन मैं यह कहना चाहता हूं कि हमारे प्राइम मिनिस्टर साहब ने फरमाया हैं कि हम कम्पेन्सेशन जरूर देंगे। जनाब वाला सफा ८८३१ (Parliamentary Debates 1951) पर देखें तो पायेंगे कि जिस वक्त प्राइम मिनिस्टर साहब बोल रहे थे, तो हसन इमाम साहब ने, जो कि उस वक्त उस जगह पर बैठते थे जहां कि आजकल हीरेन मुखर्जी साहब बैठते हैं, यह दरियाफत किया कि वह कम्पेन्सेशन कैसा होगा तो उन्होंने

फरमाया था कि वह एडीक्वेट कम्पेन्सेशन होगा, प्रापर कम्पेन्सेशन होगा, पर ट्रू मच नहीं होगा। कल उन्होंने फरमाया कि एक्सप्रापिप्रियेशन नहीं करेंगे। यह हमारी पालिसी के खिलाफ हैं। श्री अशोक मेहता और श्री हीरेन मुखर्जी ने जो अपनी स्पीचेज दीं उनमें फरमाया कि हमें छोटे इंटरेस्टस को बगैर कम्पेन्सेशन के नहीं लेना चाहिए। हमारे ला मिनिस्टर साहब ने लीगल प्वाइंट आफ व्यू से एक खूबसूरत स्पीच दी। उन्होंने भी यही फरमाया कि हमें छोटे इंटरेस्ट्स को बगैर हम छोटी जायदादों के लिए कम्पेन्सेशन न दें। मेरा ख्याल हैं कि सारे हाउस का यह मंशा होगा कि ऐसी जायदादों के लिए पूरा मुआवजा दिया जाना चाहिए। लेकिन मैं निहायत अदब से अर्ज करना चाहता हूं हमारी अदालतें और हाई कोर्ट इस मंशा को नहीं देखेंगी। वह तो उसे देखेंगी जो कि इसके अन्दर लिखा हुआ हैं।

बाबू रामनारायण सिंह (हजारीबाग--पश्चिम): हियर, हियर।

पंडित ठाकुर दास भार्गव : मेरा यह दावा हैं कि इन अल्फाज की रू से स्टेट गवर्नमेंट या सेंट्रल गवर्नमेंट गरीबों की जायदादों को बगैर एक पैसा मुआवजा दिये ले सकेंगी। आपने दफा १४ निकाल दी, दफा १६ निकाल दी, और दफा २१ निकाल दी। अब कोई सेफगार्ड नहीं रह गया। यह कानून सिर्फ कांग्रेस सेंन्ट्रल गवर्नमेंट के लिए ही तो नहीं बनाया जा रहा हैं। यह कानून तो आप स्टेट गवर्नमेंटस के लिए भी बना रहे हैं। न मालूम स्टेटस के अन्दर किस तरह की सरकार आ जाय। कल को अगर हमारे दोस्त कम्यूनिस्ट आन्ध्र या किसी और प्रदेश में पावर में आ जायं तो उनको भी यही अख्तियार होगा। दफा २१ ए की रू से आज यह मुमकिन हो सकता हैं कि छोटे छोटे आदमियों के जिस्म के कपड़े और उसकी जमीन आप बगैर मुआवजा दिये ले सकते हैं। अगर आपका यह मंशा हैं कि आप मुआवजा देंगे तो लिखें कि हम वह मुआवजा देंगे जो कि हमारा लेजिस्लेचर मुकर्रर करेगा और उसको कोई कोर्ट क्वेश्चन नहीं कर सकेगी। लेकिन आपने तो मुआवजे को खत्म ही कर दिया हैं। दफा १४, १६ और २१ को खत्म कर दिया हैं। आपने रखा क्या हैं? जो हमने अपना ओरिजिनल कांस्टीटयूशन बनाया था उसका हस्क बाकी हैं और सबसटेंस आप लिये जा रहे हैं। अगर आप दर अस्ल में कम्पेन्सेशन देना चाहते हैं, ईमानदारी से देना चाहते हैं तो इसके अन्दर लिख दीजिये कि वह मुआवजा दिया जायेगा। जनाब वाला, मुझे खुशी हैं कि आज जो हमारा नया अमेंडमेंट २१ दफा का हैं उस में एक लफ्ज लिखा हैं जो पहले नहीं था। उसमें लिखा हैं :

> "(2) No property shall be compulsorily acquired or requisitioned by the State *save for a public purpose*".

पहले जो हमने दफा २१ बनायी थी उससे यह मतलब निकल सकता था कि अगर गैर पबलिक परपजज के वास्ते कोई प्रापर्टी एक्वायर करना चाहें तो उसका मुआवजा देने की जरूरत नहीं हैं। आप कहते हैं कि सेव फार ए पबलिक परपज कोई प्रापर्टी एक्वायर न की जाय। लेकिन उसके बाद जब दफा २१ ए में आते हैं तो आप यह भी नहीं लिखते कि किस गरज से प्रापर्टी ले रहे हैं। आपने एक दो जगह लिखा हैं लेकिन चूंकि दफा २१ को नहीं माना इसलिए कोर्ट उसको देखने की जरूरत नहीं समझेगी। इसमें आपको क्या रोक हैं कि आप किसी छोटे आदमी की जमीन को एक्वायर कर लें और किसी गरीब को एक पैसा भी न दें। कौन ऐसा कड़े दिल का हैं जिसके पास काफी जमीन हैं और जिसकी जमीन गवर्नमेंट लेना चाहती हैं, कि वह यह न चाहे कि मेरी जमीन मेरे गरीब भाई को मिल जाय। लेकिन यह कहां का इंसाफ हैं कि एक तरफ आप जमीन की सीलिंग मुकर्रर कर रहे हैं। जो गांव में लोग रहते हैं उनको १४ या १५ या २० या ३० एकड़ जमीन देंगे जिसकी आमदनी ८० से १०० रुपया माहवार

[पंडित ठाकुर दास भार्गव]

होगी। इसके अलावा अगर आप सारे गांव की जमीन ले लेंगे तो मैं नहीं जानता कि यह कहांतक इन्साफ है। उनकी जमीन तो आप लेंगे लेकिन जो शहरों में बड़े बड़े महल और फैक्टरियां और मिलें खड़ी हैं और जो आप लोग तीन तीन हजार रुपया तनख्वाह पाते हैं उनके खिलाफ न दफा १४ चलेगी और न सोशलिस्ट पैटर्न चलेगा। कोई चीज उनके खिलाफ नहीं चलेगी। क्या मैं कहूं 'Cobbler mend thy shoes' शायद पंजाब में गवर्नमेन्ट उन लोगों की जमीनें लेगी जिनके पास कि २० एकड़ से ज्यादा हैं। उस हालत में मैं अर्ज करूंगा कि कोई शख्स गांव में ऐसा नहीं रहेगा जो आपके जुल्म के खिलाफ अपना सिर उठा सकेगा क्योंकि किसी आदमी की इकानामिक हालत और पोलीटीकिल हालत उसको वह ताकत देती है कि वह इंडिपेंडेंस दिखला सके। पुरानी कहावत 'A bo'd peasantry is country's pride' खत्म हो जावेगी।

इसका क्या नतीजा होगा ? इसका नतीजा यह होगा कि शहरों में लोगों की आमदनी बहुत ज्यादा होगी। गांवों के लोगों की कोई हैसियत नहीं रहेगी। इसलिए मैं अर्ज करना चाहता हूं कि इन्साफ यह होगा कि अगर किसी गरीब आदमी की आप जमीन लें तो उसका पूरा मुआवजा दें। लेकिन इस नये विधान की रू से आप गरीब की कोई चीज बगैर मुआवजे के ले सकते हैं। आज ही मेरे सामने एक ऐसा केस आया जिसके अन्दर यह चीज है। रिहैबिलिटेशन आफ रिफ्यूजीज एक नोबिल काम है क्योंकि मैं जानता हूं कि जो एश्योरेंसेज सरकार ने दिये और मिनिस्ट्री ने दिये हैं दिल्ली के १९५० से पहले मकान बनाने वालों को वह सारे एश्योरेंसेज वायोलेट किये जा रहे हैं और सरकार अपने इकरार की परवाह नहीं करती।—आगे सुनिये दिल्ली के पास एक गांव में दो हजार बीघा जमीन, निहायत उम्दा जमीन, जिसके मालिकान बीस बीस बीघे के मालिक हैं, वह रिलीफ एंड रिहैबिलिटेशन के नाम से ली गयी। उन को जो सन् ३९ का मार्केट रेट था उसका ४० पर सेंट मुआवजा दिया गया। इस तरह का कानून दिल्ली स्टेट ने बना दिया था। वह केस हाई कोर्ट में गया। हाई कोर्ट ने करार दिया कि यह कानून गलत है। लेकिन अभी तक फैसला नहीं हुआ उनको पूरा मुआविजा नहीं मिला। अब इस विधान के पास हो जाने पर आप उनको मुआवजा सरकार की मरजी है दें या न दें या चाहे जितना दें। इस कानून का रिट्रास्पेक्टिव इफेक्ट होगा। उन लोगों की जमीन जो रिलीफ एंड रिहैबिलिटेशन के नाम से ली गई है उन डिस्पलेस्ड परसन्स को बसाने के लिये जो कि पाकिस्तान से खास हालात में यहां आये। लेकिन इस तरह से आप उन लोगों पर जो कि यहां के रहने वाले हैं पाकिस्तान का जुल्म परपीटेट कर रहे हैं। मैं कहता हूं कि यह वाजिब नहीं है। जहां तक गरीबों का सवाल है मैं चाहता हूं कि उनको पूरा मुआवजा दिया जाय या जमीन के बदले में जमीन दें। गरीबों की जायदाद बिला मुआविजे लेना इन्तहाई जुल्म है।

मैं आप को एक दूसरा केस बतलाता हूं। पार्लियामेंट ने Government Premises Eviction Bill के लिये एक सिलैक्ट कमेटी बनायी थी। वह दिल्ली में अजमेरी गेट स्लम क्लियरेंस का मामला था। हमने उस जगह को जाकर देखा कि कहां पर स्लम है। उन लोगों को जो मुआवजा दिया गया और जो उनके साथ सस्ती हुई है उस के बारे में उन्होंने हमारे सामने गवाही

दी है। स्लम के अन्दर कौन रहना चाहता है? कौन स्लम के अन्दर रहता है? वहां किसकी जायदाद है? वहां तो गरीब लोग ही रहते हैं उन की ही वहां जायदाद है। मैं भी स्लम को नहीं देखना चाहता और मुझे भी स्लम से उतना ही गुस्सा है जितना कि हमारे प्रधान मंत्री जी को है। लेकिन जो गरीब लोग स्लम्स में रहते हैं अगर उनको मुआवजा न दिया जाय तो वह कहां जाकर रहेंगे कहां रिहैबिलिटेट होंगे। या तो आप उनके लिये उसी जगह अच्छी रहने की जगह बनाते और उनको वहां रखते, या दूसरी जगह उन के लिये माकूल इन्तिजाम करते, उन की आसाइश का इन्तिजाम करते, तब तो स्लम क्लियरैंस ठीक था। ऐसे छोटे आदमियों की दो दो चार चार हजार की हटें ले ली गईं और उन को मुआवजा नहीं दिया गया और न उनके लिये दूसरी जगह कोई इन्तिजाम किया गया। वह कहां जायें। मैं कहता हूं कि यह कानून गरीब लोगों के लिये सख्त नुक्सानदेह है। मैं कहता हूं कि ऐसी ब्लैंकेट (Blanket) पावर्स कि जिनमें न पब्लिक परपज का सवाल है और न मुआवजे का सवाल है, किसी गवर्नमेंट को देना अनडेमोक्रेटिक है। मैं जानता हूं आपके दिल साफ हैं। आप कहते हैं कि हम मुआवजा देंगे तो फिर आप इसके अन्दर लिखिये कि मुआवजा देंगे। आप ने बतलाया कि आप की मजबूरियां हैं। आप चाहते हैं कि डाइरेक्टिव प्रिंसिपिल्स को काम में लावें। मैं मुबारकबाद देता हूं अपनी गवर्नमेंट को उनकी तवज्जह तो इस तरफ हुई। हम बराबर दफे ४७, ४८ डायरेक्टिव की तरफ तवज्जह दिलाते रहे हैं और इस बारे में कहते चले आ रहे हैं लेकिन गवर्नमेंट ने तवज्जह ही नहीं दी। हमें खुशी है कि अब गवर्नमेंट की तवज्जह इस तरफ हुई है। लेकिन आपने डाइरेक्टिव प्रिंसिपिल्स में लिखा है कि हर एक को एडीक्वेट मीन्स आफ लाइवलीहुड देंगे। मैं अदब से पूछना चाहता हूं कि क्या पंजाब में एक एक कुनबे के लिये तीस एकड़ जमीन एडीक्वेट है। मेरी राय में मिनिमम जमीन पंजाब के लिये १०-१५ एकड़ से कम न होनी चाहिये और ऊपर का सीलिंग ७५ से १०० एकड़ का होना चाहिये अगर एडीक्वेट मीन्स गुजारा के लिये दिये जाने हैं।

2 P. M.

आपने कांस्टीट्यूशन के डाइरेक्टिव प्रिंसिपल्स में यह लिखा है कि ऐडिक्वेट मीन्स आफ लाइवलीहुड हम देंगे, डीसेंट स्टैन्डर्ड आफ लाइफ और फुल इन्जौयमेंट आफ लेजर एन्ड सोशल एन्ड कलचरल अपोरचुनिटीज हम सब को देंगे तो मैं अदब से पूछना चाहता हूं कि आप का यह दस या पन्द्रह एकड़ की लैंड की सीलिंग हिन्दुस्तान के किसी भी हिस्से में रखना कहां तक वाजिब और मुनासिब है? मौडर्न एग्रीकलचर का भी डायरक्टिव असूलों में जिक्र है। यह क्या इतनी थोड़ी जमीन का देना डाइरेक्टिव प्रिंसिपिल्स के मुताबिक है? कम से कम अगर आप इस में यह लिख देते कि हम जो यह पावर ले रहे हैं वह देश हित में और दूसरे भाइयों का हित करने के लिये ले रहे हैं तो यह ठीक बात होती। सरकार जमीन छीन कर अपने पास ही खालसा बना कर रख सकती है। आप जब मेरी जायदाद छीनते हैं तो कम से कम मुझे यह तो तसल्ली होनी चाहिये कि वह मेरे भाइयों के फायदे के वास्ते जायगी, यह भी गरज इस में नहीं लिखी है। आपने "पब्लिक परपज" ऐसा लिखा है, अब पब्लिक परपज क्य बला होती है, और आप किसे ऐसा कहते हैं वह मैं आप को तफसील

[पंडित ठाकुरदास भार्गव]

से बतलाता लेकिन अभी वक्त नहीं है । बिलासपुर के लोग जहां से भाखरा डाम निकलेगा, उस से हजारों आदमियों की जमीनें और मकान एवयुजीशन में आ जायेंगे, एसे बेघर और बेजमीन बनने वाले लोगों को १२०० रुपये फी एकड़ के हिसाब से मुआविजा देने की तजवीज हुई लेकिन हम न देखा कि बजाय इस के कि उन को इतना मुआवजा दिया जाता सरकार ने यह तजाम कर दिया कि हिसार में जो उस की चालीस हजार एकड़ जमीन पड़ी हुई है और जिस को बिलासपुर वाले पसन्द करते हैं वह जमीन तो न दी बल्कि जिन लोगों ने कि अपनी जमीनें साफ की हैं, ट्यूब वैल लगाये हैं, ट्रैक्टर लगाये हैं और जिन की कि गुजर उन पर है उन की जायदादें ऐक्वायर करने की तजवीज कर रखी है क्या आप उन लोगों को कोई मुआविजा देंगे ? मुआविजा आप नहीं देंगे अगर आप चाहेंगे । मैं चाहता हूं कि आप जहां जायदाद लेने की बात कहते हैं वहां यह भी लिख दीजिये कि इस काम के वास्ते हम जायदादें ऐक्वायर करेंगे । "प्रौपर मैनजमेंट आफ दी अडंरटेकिंग", आप ने लिखा है । लेकिन मैं पूंछ कि वाट इज प्रौपर मैनेजमेंट ? एन्ड वाट इज पब्लिक परपज ? "What is proper management and what is public purpose" उस की जगह पर अगर आप यह लिखते कि अमुक अमुक इसेंशियल कमोडिटीज हैं और देश की भलाई को मद्देनजर रखते हुए आप ऐसी फ़ैक्टरी का जो Essential Commodities पैदा करती है मैनेजमेंट अपने हाथ में लेते तो वह ठीक बात होती वरना अगर आप कम्पनी का मैनेजमेंट कम्पनी को फायदा पहुंचाने के वास्ते लेते हैं, तो मेरी समझ में कोई वजह नहीं है कि आप सारा मैनेजमट क्यों अपने हाथ में लें । अगर किसी कम्पनी का मैनेजमेंट स्टेट के हाथ में होना देश के हित को ध्यान में रखते हुए जरूरी हो जाये तब तो लेना ठीक है वरना सरकार सारी कम्पनियों का प्रापर मैनेजमेंट करती फिरे, यह मुझे कुछ ठीक नहीं जंचता । शेयर होल्डर्स वही अशखास हैं छोटे छोटे जिन के नाम पर आप आज वह पावर लेना चाहते हैं । इस में कोई शक नहीं है कि इस पावर ऐक्वायर करने के पीछे जो बैकग्राउंड है और जो हमारे प्राईम मिनिस्टर की दिली मंशा है वह निहायत खूबसूरत चीज है और वह देश को आगे ले ज रहे हैं । उस के अन्दर जो कुछ वह करना चाहें, सारा कंट्री उन के साथ होगा लेकिन आप यह जो करने वाले हैं यह हर तरीके से गलत है और अगर सेलेक्ट कमेटी में चल कर इन नक़ाइस को दुरुस्त नहीं किया गया तो यह बिल आप की मंशा को पूरी नहीं करेगा । सारा कंट्री आप की उस भावना की कद्र करता है और इस में आप के साथ है और हम सब चाहते हैं कि आप आगे चलें और तेजी से आगे चलें लेकिन इस तरीके से आप कितनी ही पावर्स ऐसी ले रहे हैं और दूसरी कुछ सरकारों को दे रहे हैं जिन की मार्फत हम को इल्म नहीं कि वह सरकारें क्या करेंगी । आखिर में मैं और ज्यादा न कह कर सिर्फ यह अर्ज करूंगा कि दफा ३१(२) को इस लाइट में दुरुस्त करें ताकि सब के वास्ते इक्वैल अपरचनिटी एपल ई करे और बैंकिंग व इन्डस्ट्रियल इंटरेस्ट वगैरा के प्रति असली मंशा थी उस को पूरा करे । उस में जायदाद की सीलिंग मुकर्रर कर दें और लिख दें कि इस हद तक पूरा मुआवजा दिया जायेगा और इस के आगे कम । गरीबों को पूरा मुआवजा दें और अमीरों को कम देना चाहें कम दें ।

पंडित जी के अल्फाज़ में ऐडिकेट और प्रापर कम्पेनसेशन गरीबों को उन की जायदादों का दिया जाय, अमीरों के वास्ते कोई आप सीलिंग मुकर्रर कर दीजिये । कल श्री अशोक मेहता और दूसरे साहबान की स्पीचेज सुन कर खुशी हुई कि वे चाहते हैं और उन का मशविरा कम से कम यह है कि गरीब आदमियों को इस से तकलीफ न दी जाये, मैं उन के साथ इस में सहमत हूं और अपनी आवाज मिलाना चाहता हूं । आप इस में लिख दीजिये कि इतने रुपये से ज्यादा की जायदाद हम एक आदमी को नहीं रखने देंगे, ऐसा आप कोई सीलिंग इस में रखें तो वह समझ में आने वाली चीज है । उस के ऊपर कम मुआविजा दीजिये । आप इस में कहें कि इतने एकड़ से ज्यादा जिस के पास जमीन होगी या इतने बड़े मकान से जिस के पास बड़ा मकान होगा, हम उस से जमीन या मकान बगैर मुआविजा दिये ले लेंगे तो यह बात समझ में आती है लेकिन गरीब नवाज आप का इस में ऐसा लिखना कि न मुआविजा देने की जरूरत है और न इस में कोई सीमा मुकर्रर करें और १५, २० और ३० एकड़ वाले लोगों को भी अगर इस की जद में ले आयेंगे तो जैसा कि श्री टी० एम० त्रिवेदी ने कहा कि इस का असर काफी तादाद पर पड़ेगा और पंजाब में ऐसे छोटे छोटे लैंडहोल्डर्स हैं जिन के पास २५, ३०, ५० या ७५ एकड़ की आराजी है, उन की जमीनें, ऐक्वायर की जा सकेंगी और यह (Distribution of Property) दुरुस्त और वाजिब न होगा और वह इस को आसानी से बर्दाश्त नहीं करेंगे । और यह पंडित नेहरू के अल्फाज़ में यह डिस्ट्रीब्यूशन आफ प्रापर्टी होगा और यह पोलिटिकल या सोशल जस्टिस भी नहीं है कि जो जमीन मेरे बाप, दादा ने तोड़ी और जिस को मैं ने काश्त किया उस को बगैर मुआविजे के आप ले लेवें । उस के बच्चों का गुजारा मुश्किल हो जायगा और उस के लिये अगर आप जमीन लें तो आप पूरा मआविजा दें । मैं अदब से अर्ज करना चाहता हूं कि जब तक ये दोनों बातें यानी ३१ में सब के लिये एकसा सलूक व ३१ए में मुआवजा के देने व पब्लिक पर-पज (Purpose) का प्रोविजन नहीं होगा । यह क़ानून मानने के योग्य नहीं होगा । ज़मीन की ही सीलिंग इस तरह मुक़र्रर करने से ज्यादा ज़मीन बिला पूरे मुआवजे के लेना बेइन्साफ़ी होगी और डिस्क्रिमिनेशन होगा ।

Shri M. S. Gurupadaswamy (Mysore): Yesterday, when the Prime Minister was speaking on this measure, he said that this is meant to bring about an egalitarian society. The other day also, he repeated the same thing, without giving us a picture of this egalitarian society.

We know how far in the last five or six years the legislation to abolish zamindari has worked. I have got figures to show that nearly Rs. 500 crores have been given as compensation to zamindars. You will understand the importance of this, when you take into consideration the estimated amount which was required for the first Five Year Plan. The estimate of the Five Year Plan is about Rs. 2000 and odd crores; and the compensation that has been decided upon by various local Governments comes to about Rs. 500 crores, which is nearly 25 per cent. of the estimated amount required for the Five Year Plan.

Though there was a lot of criticism in the Press as well as on the platform that the compensation was huge and very high, yet no attempt was made to reduce it to reasonable limits.

We know also how the various social welfare measures have been implemented by Governments. The measures may be very good in themselves, but unfortunately Government have been lagging behind, and

[Shri M. S. Gurupadaswamy]

they have not even been able to fulfil the intentions and opinions expressed by the Legislatures. That is really very unfortunate.

Even now, some of the Members here feel that this measure is very revolutionary. But I do not think it is very revolutionary. According to the admission of the Prime Minister himself, it is only clarificatory, and there is nothing new in it. I take it that is true. When Shri Asoka Mehta was speaking yesterday, he asked, why not decide once and for all now as to what should be the ambit of power that is necessary for Government to bring about a socialistic pattern of society. Why should we not enlarge the scope of this legislation? But unfortunately the answer to that is, no.

Only a few minutes back, the hon. Member Shri Venkataraman took pains to point out that the intentions of the Prime Minister will not be realised if the language of the present amendment is not changed. I also feel in the same way. The present amendment does not go far enough, and it will still leave scope for different interpretations by the Supreme Court and the High Courts, with regard to whether the compensation is real compensation, and whether property can be taken away without paying compensation. There will still be doubts on these matters, and these doubts will increase, and the interpretations also will increase.

The directive principles enshrined in our Constitution have given some of the guiding principles to be observed by the State, and the most important portion of that chapter is that every man and woman in the country should be assured of a decent livelihood.

That is more fundamental than the fundamental right to property. Some of the Members are making too much of this fundamental right to property. They are still thinking that it is a very great sacred right. It is not a very great sacred right. Even if it is taken as a sacred right, that right is subordinate and inferior to the wider and greater right of the State to property. The individual right to property is subordinate—it is far less—than the State right to property, the community's right to property.

Shri Nand Lal Sharma (Sikar): That is your presumption.

Shri M. S. Gurupadaswamy: Your presumption is of the 18th or 19th century old.

Shri Bhagwat Jha Azad: In that case, yours must be of the 16th century.

Shri Nand Lal Sharma: I am living in the Christian era.

Mr. Deputy-Speaker: Let him not be interrupted.

Shri M. S. Gurupadaswamy: The right to property has got different aspects. The State right to property is paramount and it is sacred. The entire community has got a right in the property belonging to the individual. That is more fundamental, and it is a fundamental wrong to say that the individual right to property is paramount, is sacrosanct and should not be tampered with. The cry 'save right to property' is dangerously misleading and inequalities may be justified under its garb. This right to property of the individual should not be carried too far.

First of all, we must understand what we are doing and what our objective is. Let us be clear about our objective. If the objective is to bring about a curtailment in the disparities in income and wealth, if our objective is to bring about economic equality, if our object is to reduce tensions—social and economic—if it is to reduce class struggle and class conflict, then we have to see that private right to property is not absolute. It is not an absolute right, it is not a fundamental right; as some think it is only a relative right. In this connection, I may point out that the rights that have been given in the

chapter on directive principles are more fundamental than some of the so-called fundamental rights. I feel that the principles enunciated in Part III and Part IV of the Constitution are inconsistent in a way. According to Part IV, every man and woman in the land have got a right to a decent standard of living, and according to Part III the enjoyment of private property should not be tampered with unnecessarily. Both these things cannot absolutely go together. It is very unfortunate that the directive principles are treated as less important than the so-called fundamental rights. Some of the directive principles seem to me to be more fundamental than the fundamental rights. The fundamental rights chapter deals only with liberal rights of individuals and they seem to conform to the old school of thought which has outlived its utility, the school of utilitarians and the liberals. As against this, the principles enunciated in Part IV approach a socialistic pattern. The sincerity or the goodness of this Government will be judged by how far they go to implement these directive principles. It is very easy to stick to fundamental rights and appear progressive while doing nothing to reduce class differences. But the real liberty will have no meaning unless there is economic equality.

Now, why are we having this measure? Doubts have arisen whether the compensation will be a compensation which is full and complete, whether it will be compensation at market rate or less than the market rate. We are not sure, and we are groping in the dark in this respect. We are not sure whether even after the passage of this Bill, we would be able to bring about economic equality, whether we would be able to give reasonably low compensation than what we had been paying. The Judges may raise the question again and give more interpretations and create more confusion. So I feel that the Bill should be made more clear. Further, may I say that the most important problem today is to enunciate what measures we propose to take to bring about socialism or a socialistic pattern. Only we have been hearing often the slogan repeated in a parrot-like manner that our goal is a socialistic pattern. The socialistic pattern should not be a goal; it should be a way of life; it should be a programme of action. Unfortunately, till today even after the passing of that Resolution at Avadi two months ago, we have not been given any clear picture of the socialistic pattern. We are not sure whether Government are taking measures to nationalise certain industries. We are not sure whether they are fixing any ceiling on private income, whether they are acquiring the huge landed estates. Unfortunately, there is no programme except talk of the socialistic pattern. I feel that we should assure every housewife that there will be a chicken in every kitchen. This minimum should be assured before we talk of providing cars for every garage. If this is not assured, we will only be paying lip-sympathy to the socialistic pattern of democracy. I say, that it should not be a lip-sympathy. If democracy is to have any meaning, if freedom is to have content, if people have to be more prosperous and happy, we must take concrete measures. Unfortunately, this measure does not go far enough; it does not give us any hope. I wish that the measure should have been expanded. If the directive principles of State policy had been included in the fundamental rights chapter, that would have given us a little hope, that would have satisfied many people outside Parliament. Unfortunately, it is not being done. The approach made is not very radical, the pace is very slow. But I have to still say that this measure, so far as it goes, is welcome. But it should be amended, it should be changed so that there should not be any confusion left in the minds of either the legislators or the Judges.

Shri Punnoose: I support the amendment but I do so without much of enthusiasm. The very speech which

[Shri Punnoose]

the Prime Minister made yesterday has been the cause of my lack of enthusiasm. He said that the present amendment is proposed because certain practical difficulties have been found in implementing some of his programmes. He has got the right to get rid of those obstacles. But, then, he continued to say that what has really happened at the time of the framing of the Constitution, that the framers of the Constitution could not find the proper words for their thoughts. Therefore, the present amendment, according to him, has been due to the fact that they could not translate their thoughts into correct words. That is minimising the problem; that is over-simplifying it. Anybody who takes the trouble of going through cursorily the discussion in the Constituent Assembly will appreciate that there was a very serious problem confronting the Assembly. The Prime Minister himself characterised it as a tremendous controversy. Our Prime Minister has a particular knack of telling people, when there is a conflict that there is no conflict and after all the conflict is only in your minds and no conflict outside. In the Constituent Assembly questions were raised about the rights of private property *vis-a-vis* the rights of the people, the rights of the individual as against the rights of the community etc. But the Prime Minister said—and I congratulate him that he was able to carry conviction —of course, those were too willing to be convinced—that it was only a conflict in their minds. He argued that there was no real conflict between the individual and the community, between the rights of private property and the rights of the people. Then he turned to his following and said, 'it is better to accept this amendment now because storms are gathering elsewhere, in other parts of Asia property is being taken away through ways different than this. In our case, we are going to pay you through our nose, whatever happens to the people of this country. Millions of people may be going hungry; no matter, we will pay you for whatever is taken. Therefore, you accept this amendment.' That amendment was accepted and, for the time being, the contradiction appeared to be resolved. But, in due course, people who agreed with him on that occasion, who cheered him began to work. The ways of the vested interests are inscrutable. They have got very eminent lawyers. As long as they have got money, legal efficiency is there at their command and the courts come to their rescue. Therefore, the Prime Minister comes again —I welcome his coming back—but he must come back with a little more determination. We have to resolve this problem. We should decide whether, in this Republic of India, the rights of the people or the right of private property which should govern if they come into conflict. This is a specific question over which there is no use mincing words.

My friend Mr. Venkataraman was saying that there are still loopholes. I am quite conscious of them. If there are no loopholes, the lawyers will be able to make some. Therefore, let us once and for all decide whether....

An Hon. Member: They only find out but they do not make.

Shri Punnoose: Nowadays, the lawyers make holes also.

We have once and for all to decide whether private property can claim priority over the rights of the people. I do not mean that this Government in 1955 or any other Government in 1960 should take away all private property or even expropriate certain types of private property. That may or may not happen. This Government or some other Government in future might do it. But the question is whether there shall be a fundamental right that shall stand as a block or that should hold the vested interests as against the people. The very

moment that Mr. Chatterjee and others are arguing for private property and for the sanctity of private property etc. thousands and thousands of our people are being evicted from their homeland. This sort of thing happens and will inevitably happen as long as this framework remains. So, there is no use of shedding crocodile tears for the millions that go without land. Everybody knows that it is the powerful money bags that oppose even this small amendment. They want the law and the fundamental rights to come to their aid whenever their right of property is challenged. I believe it is high time for us to make it clear that this fundamental right of the few, that this fundamental right of the handful of people is a fundamental wrong done to the generality of the people.

My friend here challenged us to go to the polls over this issue. Unfortunately, we have not got a method of referendum. Else, this was an exemplary question on which we can go to the people. The vast majority of our people will never say, I am sure, that the lands, industries and factories and all the wealth of the rich cannot be touched even if it is for the need of the people. Therefore, the Prime Minister's approach is a thoroughly faulty one in that after a few days or after a few months he will have to come again and say, please arm me with more power because they have sabotaged my plan.

Shri Bhagwat Jha Azad: Let us learn by experience.

Shri Punnoose: There are some people who do not learn even by experience. There is the experience of 1947, 48, 49, 50, 51 and so on; are we to wait till the day of death? Therefore we have to face this question and I believe that the Joint Committee will go into it more thoroughly. There is an amendment, not yet formally moved which says that the Select Committee should have larger scope.

Here my friend said that he had found two types of socialism. One is British socialism and the other Hindu socialism. British socialism about which he was so enthusiastic was there as a result of which we had to undergo 200 years of slavery and for which Malaya is still paying and South Africa is still paying. That kind of socialism we are not going to enjoy and our children and our children's children are not going to enjoy. Even if we want to do it, nobody is going to help us to exploit by allowing themselves to be exploited. As regards the Hindu type of socialism, there is no use crying over spilt milk and Harijans are its best witnesses. Therefore, the only kind of socialism which is useful to the people can be that which would give the right to the ordinary man. What is our real difficulty? What are we going to do with the big people, the zamindars and the powerful monopolists? Are we prepared to subordinate their interests to the interests of the vast millions of the people? This is a question which history poses before us. If we fail in answering that, just as the Prime Minister said in the Constituent Assembly, history will find an answer. I have no doubt about that. I have my own misgivings about the results of passing this amendment because I know what is happening in the country. I have a very simple thing in my mind. Railway lines are being constructed in my state. We are all very proud of it because that is coming once in a hundred years. What happens is that the poor owner with half an acre or 45 cents or two acres is deprived of his land for a pittance and he never gets a hearing. What about the cases in the Damodar Valley Corporation? When we say that private property shall not have the dominating right, we do mean that the right of such property which stunts our growth

[Shri Punnoose]

should be done away with. But here it is not, in fact, a case for private property. it is a case for human right that is at stake, because it is his living place and it is his only source of livelihood. Some ways have to be found and methods suggested to safeguard the interests of the small cultivators and peasants.

There is the question of refugees and it is a very serious question. I did not believe it at first but when I tried to study it, in Calcutta and other places, it is a very serious problem. Everybody will be one with me in saying that the refugees should be helped and they have to be rehabilitated. But what will happen is this. Tomorrow a Government official will go and tell the owner of a small plot of land "Here is the law; your land is taken over." We cannot allow that sort of thing.

Then the most important thing is the big man's property, big landed estates or big industrial establishments etc. If we want to do that successfully, we should not give a handle to the interested parties to go and tell the poor people "Look here, they are going to molest you to take over your property." That is what is happening here. No, Government will be made enough to take away land from the poor people and no responsible legislature can ever do that, but that is the fear sought to be created and that is the kind of spectre which these people want to raise. I could not follow Pandit Thakur Das Bhargava when he was speaking. I believe he wanted not verbal promise, but some provision in the Constitution itself so that the small peasantry's interests are safeguarded and I trust the Joint Committee will make the necessary provision here.

Shri B. S. Murthy: It is seven years since India has got its political freedom and it has taken seven years for rehabilitating ourselves as far as the political set-up is concerned; but the time has come when there must be economic freedom given to millions of the people living in our rural areas. For all these years the have-nots have been crying hoarse though their appeals were not being heard by the persons concerned. Therefore, it is in the fitness of things that this amendment has been brought in. It is more than 85 per cent. of the masses who are giving their unqualified satisfaction and support for such a measure as this. Shri Tulsidas was telling us that there must be an election on this issue and he also made a reference about the Andhra elections. I can assure him and persons of his way of thinking that the Andhra elections have proved that the country wants a non-violent revolution. I think it is Shri Mukerjee who said "We have got Independence but our Independence is not the outcome of a revolution." I think a new connotation must be given for the word "revolution". I consider that the French Revolution was in the nature of an allopathic dose, the Russian Revolution a veterinary dose and our Indian non-violent revolution a homoeopathic dose. The country for the time being has turned its face against the veterinary dose and has taken the Gandhian, non-violent, homoeopathic dose, and, therefore, we must consider this Bill as a non-violent approach to the Gandhian system of rehabilitating the haves and the have-nots. In the Gandhian set-up there is no class war and there is no class rivalry. In the Gandhian system, the aim is to establish a classless society, where casteism and all other vested interests will be slowly and imperceptibly annihilated.

Shri P. N. Rajabhoj: Casteism is still there.

Shri B. S. Murthy: My friend, Shri Rajabhoj, says that there is caste system still there; and as long as there are persons like Shri Rajabhoj, there will be caste system existing in India.

Shri P. N. Rajabhoj: It is existing. What do you say to Buddhism?

Shri B. S. Murthy: Before we think of Buddhism, we must have *buddhi* and without it humanity can never think of evolutionary or revolutionary progress. Therefore, we must apply our *buddhi* in the right direction and see that if there are any vestiges of caste system in India, they must be rooted out lock, stock and barrel. In this connection, for friends like Shri Rajabhoj, I would like to say what Gandhiji has done for removing the caste system.

Mr. Deputy-Speaker: Is this part of the Constitution amendment which is before us? I thought it related to property rights.

Shri K. K. Basu (Diamond Harbour): That is a political approach to the problem.

Shri B. S. Murthy: This is a socio-economic problem.

Mr. Deputy-Speaker: The hon. Member will address himself to property rights because this Bill relates to property rights, acquisition of property, deprivation of property, etc.

Shri B. S. Murthy: I think property is the handmaid of caste system and unless, in India, the caste system is removed, the properties would in some form or other try to persist.

Mr. Deputy-Speaker: The hon. Member has fallen into the trap of Shri Rajabhoj!

Shri B. S. Murthy: There is no trap which can trap me in.

Shri Gidwani: Wise men put it as 'lap'!

Shri B. S. Murthy: This amendment is a happy beginning for a series of other amendments which will have to come for creating a real Welfare State. In trying to create a Welfare State, the prime consideration must be given for those millions of people who are in the rural areas and who are today struck with land hunger. Vinoba Bhave's *Bhoodhan* movement is nothing but a mild focussing of the great danger that is threatening the country as far as this land hunger is concerned. Nearly 85 per cent. of the people of India depend upon agriculture, out of which nearly 50 to 60 per cent. are entirely landless. How long can you keep them without the land necessary for them to employ their labour and improve the production of the country? This cry has been there for long and it has been unheeded up till now. Now the time has come when we must give them the land. Where is the land? The land available with the Government will naturally be distributed, but the land of those people with thousands and thousands of acres and who do not even know where their land is, must be taken away, and the maximum holding must be prescribed and all the land left out must be distributed to the tillers of the soil.

In this connection, I may point out that in the Madras State, when the zamindari abolition took place, the Madras Government paid Rs. 7 crores and odd as compensation. If we have to take the land from the rich people and if we are called upon to pay compensation according to the existing law, I do not think we can ever be able to discharge our duty in repaying the several crores of rupees that may be asked by those avaricious rich landlords. Therefore, it is but proper that we take away this land. It is not expropriation but it is merely readjustment of the national wealth. Why should it be called expropriation? How did this rich landlord or the big money-owner get so much of riches? He got them from the society and today society is asking him: "You have enjoyed it so long, and you have misused it. Please give it back." It is with grace that those landlords and rich men and men with crores of rupees should come forward and render account saying, "Here is land; here is money; take it away" as some people have given to Shri Vinoba Bhave. As Gandhiji said, the rich man is merely a trustee for the monies with him and today this Bill only says, "you have been a

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trustee but sometimes you have not been behaving properly with the monies that you have. Therefore please give it back." Therefore, it is not a question of expropriation. It is a question merely of readjustment of the national wealth in order to see that the goal of a classless, welfare society is achieved earlier than expected.

Some of the Members who spoke before me have expressed a doubt that clearance of slums may affect the poor tenants residing there. I do not think the intention of the Bill is to hit the poor men who live in the hovels built in *cheries* or slums. As far as I understand, the intention of the Bill is that, if a person owns a big area of land where a slum has risen and the slum has not been taken care of, when no sanitation and no other facilities are provided, that man—if he claims any compensation for clearance of the slum, will not be paid compensation, whereas the man who lives there thereafter will still be benefited because the Government, after taking possession of the slum area, will construct better buildings, provide better habitation and give the area back to those people. Therefore, I do not think any fear need be expressed as far as the poor classes are concerned. They will not be hit by this legislation.

As we are trying for the fixation of maximum holdings as far as land distribution is concerned, I think it must also be done in respect of factories and industrial institutions. I think this is merely a beginning to socialise land and distribute the national wealth to all people so that all can be very happy. I, therefore, support the Bill.

श्री पी० एन० राजभोज : मुझे जो इस संशोधन विधेयक पर बोलने का समय दिया गया है उस के लिये मैं आप का आभारी हूं । मैं आरम्भ में ही इस बात को स्पष्ट कर दूं कि यह जो संशोधन लाया गया है उस से मुझे काफी संतोष का अनुभव हो रहा है और इस का विरोध करना मेरे ख्याल से निरर्थक है क्योंकि स्पष्ट है कि जो कांग्रेस वाले यहां इस का विरोध करते हैं वह ऐसा कर के कैपटैलिस्ट्स को सपोर्ट करते हैं । यह जो हमने अपना ध्येय सोशलिस्टिक पैटर्न आफ सोसाइटी घोषित किया है, मेरे ख्याल से यह संशोधन उस की पूरी पूर्ति तो नहीं करता है लेकिन कुछ न कुछ स्मैल गंध उस की आ रही है और विश्वास होता है कि इस से उस दिशा में कुछ न कुछ तो अवश्य हो ही जायेगा । लेकिन ऐसा करते समय हमें एक बात का ध्यान रखना चाहिये कि जो हमारे छोटे छोटे धंधे वाले भाई हैं, उन को नुकसान न हो और उन का संरक्षण हो क्योंकि जो छोटी छोटी हमारी बस्तियां और स्लम्स् हैं उन के बारे में बहुत डर है कि उन का क्या होगा । जैसे हमारे महाराष्ट्र में जो अलग अलग भंगी बस्तियां हैं, हर एक जगह पर भंगियों की चमारों की और महारों की अलग बस्तियां हैं, हमें डर है कि यह कैप्टेलिस्ट लोग क्या करेंगे और क्या नहीं करेंगे । इसीलिये हमारे प्राइम मिनिस्टर साहब ने कहा है कि हम इन के लिये जरुर ध्यान देंगे । यह जो सेलेक्ट कमेटी के पास बिल जा रहा है उस के बारे में हम चाहते हैं कि यह हमारे जो गरीब लोग हैं जो देहात में रहते हैं उन की हालत क्या हो, इस के बारे में उन्हें विचार करना चाहिये । लोग कहते हैं कि सोशलिस्टक पैटर्न आफ सोसाइटी बनाना चाहिये, तो कोई लोग कहते हैं कि सोशलिस्ट गवर्नमेंट बनना चाहिये और कुछ हमारे भाई कहते हैं कि नहीं कम्युनिस्ट गवर्नमेंट बनना चाहिये । हम तो बौर्न कम्युनिस्ट और सोशलिस्ट हैं, न हम रूस के हैं और न किसी और मुल्क के । हम तो इस देश की परिस्थिति को ध्यान में रख कर

उस के आचार, विचार और संस्कृति के अनुकूल हम सब प्रकार की यहां पर उन्नति करना चाहते हैं । कांस्टीट्यूशन में यह जो अमेंडमेंट हो रहा है, उसके बारे में हमारे शेडयूल्ड कास्ट फ़ैडरेशन के नेता ने भी कहा है कि शेडयूल्ड कास्ट के लोगों के लिये ऐसा विधान बनाना चाहिये कि जिस में हम उन लोगों के लिये जमीन हासिल करें और उन की एक अलग, अलग बस्ती बनायें और जहां पर उन को हर प्रकार की सुविधा उपलब्ध हो, अच्छे रहने लायक उन के वास्ते मकान हों और उन की आर्थिक अवस्था में सुधार हो . . . .

सरदार ए० एस० सहगल (बिलासपुर) : और उस बस्ती का राजा कौन हो ?

श्री पी० एन० राजभोज : राजा तो हम हैं और प्रजा आप लोग, लेकिन आप हम को राजा बनने कहां देते हैं, हम को आज तक अपनी गुलामी में जकड़े रक्खा है और गुलाम बनाये रखना चाहते हैं, हमारे वास्ते लम्बी चौड़ी बात बहुत करते हो, लेकिन अमल में कुछ नहीं आतीं । उपाध्यक्ष महोदय, मैं आप के द्वारा अपने प्राइम मिनिस्टर से यह निवेदन करना चाहूंगा कि वह हमारी अवस्था की ओर ध्यान दें और हमारी जो अलग बस्तियां हैं और हमारे जो गरीब भाई देहातों में पड़े हुए हैं उन के वास्ते जमीन ऐक्वायर करें और उन की हालत सब प्रकार से सुधारने के लिये आवश्यक कदम उठायें तब तो ठीक बात होगी वरना खाली यहां बात बनाना कि देखिये यहां हम यह कर रहे हैं और हम यह इस में तब्दीली कर रहे हैं, यह महज एक इलेक्शन स्टंट बन कर रह जायेगा । मैं जानता हूं कि हम लोगों का सुधार करने के लिये सब लोग तरह तरह की बातें करते हैं और वायदे करते हैं लेकिन उन पर अमल बहुत कम होता है । आज जब यह कानून बनने जा रहा है और सेलेक्ट कमेटी के पास यह बिल भेजा जा रहा है तब हम देखते हैं कि इस के खिलाफ हमारे कुछ सदस्य लोग हैं, उन से मेरी प्रार्थना है कि कम से कम और कुछ नहीं तो हम जो ६ करोड़ अछूत लोग इस देश में बस रहे हैं और गुलामों की जिन्दगी बिता रहे हैं, उन की हालत की तरफ ध्यान दें, हिन्दू महासभा के चटर्जी और देशपांडे जी ने कहा कि उन को डर है कि इस तरमीम से छोटे लोगों का बड़ा नुक्सान होने वाला है और इस नाते यह जो अमेंडमेंट है यह गलत है, लेकिन मेरी समझ में नहीं आता कि इस में क्या गलती है और हम बहकावे में आ कर किसी के चक्कर में नहीं फंसेंगे । हम तो उधर ही रहेंगे जिधर हमारा भला होगा और जहां हमारी आर्थिक हालत सुधरेगी । यहां तो कहते हैं कि हरिजन हमारे भाई हैं और बाहर हम देखते हैं कि प्रेक्टिकल लाइफ में हमारा ये लोग गला काटते हैं । मैं श्री त्रिवेदी, चटर्जी और देशपांडे जी से पूछना चाहता हूं कि हमारी उन्नति करने के लिये तुम्हारे पास क्या प्रोग्राम है ? कम्युनिस्टों के पास हमारी तरक्की करने के लिये क्या प्रोग्राम हैं ? और हमारे सोशलिस्ट भाइयों के पास हमारे लिये क्या प्रोग्राम हैं ? कांग्रेस के पास हमारे लोगों की तरक्की और अपलिफ्ट का थोड़ा बहुत प्रोग्राम है, मैं यह भी जानता हूं लेकिन ठीक दृष्टि से वह अमल में नहीं आता है और उस के लिये हम उन से लड़ेंगे और झगड़ेंगे और गवर्नमेंट की मशीनरी खराब है, उस में सुधार लाने के लिये हम जरूर कोशिश करेंगे ।

इस के लिये मैं जरूर बोलूंग । पार्टीज तो सब जगह है हमारे हाथ में हुकूमत आयेगी तो हमें भी यही करना पड़ेगा, लेकिन जो कुछ होना चाहिये वह होता नहीं है । लोग

[श्री पी० एन० राजभोज]

ज्यादा बोलते नहीं ह क्योंकि वह पंडित जी से थोड़ा डरते हैं। पंडित जी तो बेचारे बड़े अच्छे आदमी हैं, लेकिन पंडित जी का साथ देने वाले कितने लोग हैं। पंडित जी बेचारे अकेले क्या करें? उन को सब लोग बहका देते हैं कि इस से यह नुक्सान होने वाला है, यह नुक्सान होने वाला है। अभी पंडित ठाकुर दास भार्गव का भाषण हुआ; वह दूसरी बातों के विचार से बड़ा अच्छा है, लेकिन वह भी डरते हैं कि हमारी जमीन का क्या होगा? मैं चाहता हूं कि रैशनिंग आफ हाउसेज, रैशनिंग आफ लैंड और रशनिंग आफ मनी। मैं चाहता हूं कि यह जल्दी से जल्दी होना चाहिये। यह हो जाये तो सब कुछ ठीक हो जायेगा। अभी हमारे तुलसी दास जी ने भी भाषण दिया। वह कहते हैं कि जब उन का राम-राज्य होगा, और भगवत राज्य होगा तो वह भी इन बातों पर अमल करेंगे, लेकिन जब तक हुकूमत कांग्रेस के हाथ में है तब तक वह दूसरी बात कहते हैं, वह भी बहकाते हैं। हमारे पंडित नेहरू जी कैपिटलिस्टों की मीटिंग में जाते हैं और कहते हैं कि हम तुम्हारा भला करेंगे, इधर हम से कहते हैं कि हम तुम्हारा भला करेंगे। दोनों बातें सुन कर मुझे शक होता है कि आखिर इस का मतलब क्या है। अभी थोड़े दिन हुए एक मीटिंग हुई थी चैम्बर्स आफ कामर्स की। उस में पंडित जी ने कहा कि हम तुम्हारा भी भला करेंगे। मैं कहता हूं कि अगर आप सचमुच गरीबों का भला चाहते हैं तो देश में जो छः करोड़ ऐसे लोग हैं जिन की अलग अलग बस्ती रक्खी गयी हैं, उन के लिये जमीन ऐक्वायर कर के उन को दी जायें और उन को सहायता देकर आर्थिक हालत सुधारी जाय, यह मेरी हाउस के सामने प्रार्थना है।

मैं आज किसी झगड़े में नहीं जाना चाहता हूं। यह मैं जानता हूं कि रिफ्यूजीज के लिये बहुत बड़ा काम हुआ है लेकिन यह मैं दावे से कह सकता हूं कि उन लोगों से जो एलेक्शन में वोट लेने के लिये अपनी पार्टी का प्रोपैगैंडा करते हैं, प्रचार करते हैं कि सच्चे रिफ्यूजी तो हम लोग हैं जिन को आप ने दबा कर और जानवरों की तरह से रक्खा है। रिफ्यूजियों के लिये तो जमीन है, मकान हैं, लोन देते हैं, आप देश में सोशलिस्ट पैट्रन का समाज बनाना चाहते हो, तो शरणार्थी जैसे आगे आये वैसे हमें ऊपर उठाओ, हमारी मदद करो। हम देश के रहने वाले हैं, आप लोगों ने हमें गुलाम बना रक्खा है, हमें दबा रक्खा है। हम रिफ्यूजियों के लिये अभी कुछ नहीं हुआ है। हमारे पूंजीपति भाई कहते हैं कि सरकार उन के व्यक्तिगत हक पर आक्रमण कर रही है। लेकिन मेरे ख्याल से यह उन के व्यक्तिगत हक पर कोई आक्रमण नहीं है इसी तरह से कल्याणकारी राज्य की रचना हो सकती है। आज फाइव इयर प्लैन की बड़ी लम्बी चौड़ी बातें होती हैं, लेकिन उस में हमारे लिये क्या है? देशमुख साहब भी तो हमारे लिये कभी कुछ नहीं कहते। वह ऐसी ही बात कहेंगे जिस से हमारा कोई मतलब नहीं है। वह बड़े होशियार आदमी हैं, लेकिन किस के लिये? हमारे लिये नहीं, हां जमींदार लोग जो चाहेंगे वह उन के लिये हो जायेगा। मैं तो कहता हूं कि थोड़ा सा हमारे लिये भी कीजिये और हमारा ध्यान रखिये। अधिकार सरकार के हाथ में ही रहना चाहिये, यह मैं जानता हूं, लेकिन गरीबों का भी तो कुछ भला होना चाहिये। किसी ने कहा कि इस अधिकार का इस्तेमाल गरीबों की बस्तियां नष्ट करने के लिये और गरीब

किसानों की जमीनों को छीनने के लिये होगा । ऐसा कई लोग कहते हैं । लेकिन मेरे ख्याल से यह बात गलत है क्योंकि इस अधिकार को उन लोगों को दबाने के लिये किया जायेगा जो पूंजीपति हैं, जमींदार हैं और सरमायेदार हैं, जिन्होंने अभी तक अपने कारखानों से और जमीनों से इतना फायदा उठाया है । इसी लिये मैं कहना चाहता हूं कि उन की जमीनों को काबू में लेने के लिये या उन के कारखानों को काबू में लेने के लिये जिस में कि वह अच्छी तरह से चलें कोई ज्यादा कम्पेन्सेशन नहीं मिलना चाहिये । जो कम्पेन्सेशन मिलना चाहिये उसे सरकार तय करेगी, यह मेरी हाउस से प्रार्थना है ।

देश के बहुत से लोग प्रापर्टी का सवाल उठाते हैं, लेकिन हमारे चटर्जी साहब ने कल अपने भाषण में कहा था कि जब गवर्नमेंट ऐसा अधिकार हासिल करना चाहती है तब प्रगति कैसे होगी ? मेरे ख्याल से जब सरकार मजदूरों और श्रमिकों के लिये जमीन लेगी, लोगों के हित के लिये फैक्ट्रीज को अपने हाथ में लेगी तब स्थिति ज्यादा ठीक हो जायेगी ।

दूसरे मेरी राय यह भी है कि जैसे पंडित जी, हमारे प्रधान मंत्री यह कहते हैं कि स्लम्स को नष्ट करना चाहिये वैसे ही जहां पर हमारे अछूत लोग रहते हैं वहां पर हमारी जाति के नाम से छोटी बस्ती बन जाती है और हम लोग बिलकुल जनता से अलग रक्खे जाते हैं । जहां हमारे बनियां और ब्राह्मण लोग रहते हैं वहां पर हमारी बस्ती रक्खो । तुम को छूत छात खत्म करना चाहिये । मैं टंडन जी से पूछना चाहता हूं कि यह ठीक है या नहीं ? मैं उन को याद दिलाना चाहता हूं कि उन्होंने कहा था अपने भाषण में कि जो अछूतों की बस्तियां हैं उन में बड़ी गन्दगी है और आर्थिक हालत और आरोग्य सुधारना चाहिये ।

उपाध्यक्ष महोदय, मैं आप को बतलाना चाहता हूं कि हम ने एलेक्शन के लिये मैनिफेस्टो रक्खा था कि यहां पर बहुत सी जमीन बेकार पड़ी हुई है । करीब करीब ९ कोटि एकड़ जमीन बेकार पड़ी हुई है, उस में खेती की जा सकती है और गरीबों को दी जा सकती है । अगर वह हम लोगों को दे दी जाये तो हम लोगों की आर्थिक स्थिति में बड़ा सुधार हो सकता है । हमारे डाक्टर अम्बेडकर साहब ने भी कहा है कि कांस्टिट्यूशन को बदलना होगा । सब से पहला सवाल यह है कि जब तक राजभोज राजभोज रहेगा, जब तक जाति पांत रहेगी, तब तक बुद्धि भ्रम से किसी तरह से हमारा भला होने वाला नहीं है । हम नहीं चाहते हैं कि हम महार और चमार कहलाये जायें, चातुर्वर्ण खत्म होना चाहिये । मैं जानता हूं कि हमारे जगजीवन राम जी बाहर तो बोलते हैं लेकिन हाउस में नहीं बोलते हैं । आज जरूरत यह है कि देश का सुधार होना चाहिये, सब प्रकार से उस का फायदा होना चाहिये और हमारा भी फायदा होना चाहिये । आज जो ऐमेन्डमेंट इस बात के लिये है उस में जो बातें दी गई हैं उन पर अमल होना चाहिये ।

Shri T. T. Krishnamachari: Sir, I rise to address a few remarks to the hon. House with a certain amount of trepidation; because, for one thing it seems that Government by bringing this amendment of the Constitution before this House has raised a veritable hornet's nest around its head and for another, in the context of events under which we are functioning, it is very difficult to say that an amendment of the Constitution of this nature or of any other kind would enable us to further the objectives that we have in mind. We

[Shri T. T. Krishnamachari]

cannot have any certainty in that regard.

Sir, you and several others who have been the founding fathers of this Constitution would realise that when we framed this Constitution we expected that the governments that would implement the provisions of the Constitution would have a fair amount of liberty and elbow-room to pursue and implement the policies which ultimately were the cause of returning them to power. While we can frame a Constitution, while we can amend the Constitution, the ultimate interpretation of the Constitution rests not with us but with the judiciary. It has been mentioned by hon. Members on the other side that this Government has developed a complete lack of respect for the judiciary. I must join issue with hon. Members who have said that. In fact, people who have had anything to do with the framing of the Constitution and putting the ultimate veto to rest on the judiciary in regard to any Act either of the legislature or of the executive will realise that we did not feel that the judiciary should get a place subordinate either to the legislature or to the executive. Thus the Leader of the House mentioned yesterday that the overpowering consideration so far as the Government are concerned is not to express their disapproval or dislike of the judiciary or categorise any of their actions in disparaging terms, but to get on with the business that we have on hand, namely, to so govern this country that moral, material and economic progress would be achieved within a measurable distance of time

Babu Ramnarayan Singh: Doubtful.

3 P.M.

Shri T. T. Krishnamachari: Sir, doubting Thomases there did exist from the time of Adam and Eve's creation.

Shri Sadhan Gupta (Calcutta- South-East): There could have been no Thomases at the time of Adam and Eve.

Shri T. T. Krishnamachari: So far as this amendment is concerned, Sir, I would not like to assure anybody here that it is the last word on the subject. If I were to do so I would be less intelligent than what I presume I am. In framing an amendment the Government that is responsible for the governance of this country cannot altogether lose sight of many facets. The amendment must help them to get on with the government and to implement their policies. But at the same time it must not do damage to the economy of the country; it must not do any damage to the credit of the country, not merely inside, but outside the country. The responsibility for maintaining that credit happens to be that of the Government and the Finance Minister of this Government, not Members of the Opposition or anybody else who speaks lightly.

Sir, it would have been a totally different thing if at the time that we framed the Constitution we had no Fundamental Rights in it. In fact, Sir, I remember very well the late Sir B. N. Rau mentioning to me that in this Constitution we have devised two imponderables and how they will act we do not know. One, he said, was adult franchise in a country where literacy was deplorably low; the other was the operation of Fundamental Rights. My late friend's fears have proved illusory so far as adult suffrage is concerned. The quantum of intelligence in this country is so great that adult suffrage has been used with care, with discretion and effectiveness.

In regard to Fundamental Rights, he has still to be proved to be a false prophet. Well, Sir, in fact, I do not mind telling the House that I was one of those who felt at that time that the Fundamental Rights had better be brief. Both Dr. Ambedkar and myself—I am not quite sure he would confirm it—felt that article 31(1) was good enough, provided some kind of check was put on the actions of the State Legislatures in this regard. We wanted nothing more than that, that no property shall be acquired, save,

by the authority of law. No harm would have occurred to the credit of this country. I am perfectly sure that the vested interests that now flourish or will flourish would have continued to flourish all along, because the continuation of vested interests flourishing in the country is not dependent so much on the four corners of the text of the Fundamental Rights, but upon the policies of Government.

Sir, before going into the details, I would like to mention this particular matter: the question of compensation. This is a monetary economy, Sir, and compensation is always fixed in terms of money. The operation of the monetary economy is in the hands of my colleague, the Finance Minister. Supposing we acquire a property tomorrow and issue bonds at 3½ per cent. and day after tomorrow you raise the bank rate to 5 per cent. The value of the bonds that have been issued comes down to Rs. 75.

An Hon. Member: Much less.

Shri T. T. Krishnamachari: Can any Government afford to do that kind of thing?

You issue bonds today and demonetise your currency tomorrow: so that the value of government securities will also be demonetised. Can anybody prevent the Government doing it? The taxing powers of Government are supreme, even under this Constitution. But it cannot be done, merely because a Government cannot get on in that way. They can perhaps tax them out of existence: 13¼ annas may be made into 14 annas or 15¼ annas tomorrow. That might perhaps shake the internal credit, but it won't shake the credit of the country abroad, because the Government will pay for every pie of property that is invested in this country by anybody outside, who is not taxable. Therefore, to say that governmental action, or Government's policies are related to the Constitution has really no significance. A Government of this nature, a Government returned to power by Congress Party, has to be bound by moral obligations, more than anything else, and the realisation of those obligations and the imperative necessity of fulfilling those obligations will remain the guiding principle of the actions of this Government, Constitution or no Constitution, amendment of the Fundamental Rights or no amendment of the Fundamental Rights.

Sir, I would like to state here something about the objective of this amendment. I know the Leader of the House did refer to it in his speech. But from the speeches that have been made since he moved the motion for reference to Joint Committee, it seems to me that nobody who has criticised had really taken the trouble to read the Bill. Criticisms have been from various directions, from various points of view.

I would, like, Sir, therefore, to restate the objectives of this Bill. So far as the second clause is concerned, hon. Members will realise that article 31(2) has been redrafted. The language that has now been used streamlines the article. The sentence that reads—

> "No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising taking of such possession or such acquisition."

has been simplified by the substitution of the words

> "No property shall be compulsorily acquired or requisitioned by the State save for a public purpose and save by authority of a law, etc.,"

We have expressly removed the words "taken possession of" having in view the fact that not only have these words been bandied about in the process of its being interpreted, but also because it bears no relation to the appropriate item in Schedule

[Shri T. T. Krishnamachari.]

Seven which authorises Parliament to act.

Sir, then we come to article 31(2A). Article 31(2A) has to be read with article 31(1). It says:

> "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property by the State, notwithstanding that it deprives any person of his property."

Well, Sir, this will entail my going back to the Supreme Court's decisions and I shall do that a little later. The idea of article 31(2A) is that mere deprivation would not entitle a person to compensation, that is deprivation as contemplated under article 31(1). In fact, it is sought—I use the word "sought" advisedly—by means of this provision to make it clear that article 31(1) *plus* article 31(2A) will constitute what is understood in American Constitutional law as the police powers of the State, and to make a contradistinction between the police powers and the power of eminent domain, clearly to allocate it to 31(2), the region which is covered by eminent domain in American law.

Then, we go to article 31A. Before doing that, I would like to say this. Hon. Members have pointed out that article 31 (5) (b) saves from the operation of article 31(2) certain enactments. May be that we would have done well to include in the amendment deletion of article 31(5)(b). But, oftentimes in trying to streamline an enactment like the Constitution, we probably invite more trouble than we would otherwise. It is not that we were not cognisant of the fact that article 31(5)(b) provided for circumstances similar to what we intend to provide in article 31(2A). We thought, let article 31(5)(b) alone.

Now, we go to article 31A. Article 31A is not a new provision in the Constitution. It was enacted when the first Amendment was undertaken for the purpose of safeguarding certain legislations passed by the States in regard to Zamindari reform. The principle, therefore, is one that has been accepted by this House and by the other House and by the country, namely that there is a sphere of economic activity, there is a sphere of ownership where the operation of article 31(2) should not be permitted, and secondly that the time factor is very much indirectly intertwined with any legislation of this nature, and an uncertainty of the ultimate decision remaining as a consequence of judicial decisions in one or two courts will not help the economy of the country. Article 31A really is a further amplification of that principle and an extension of it to other sectors. So far as land is concerned, the meaning is quite clear. Again, I would like to mention, as the Prime Minister has himself mentioned at the time when he moved the motion, that in order to remove all doubts, the operation of articles 14, 19 and 31 are completely put out of the purview of article 31A. It is not the intention of this Government that anybody should be dispossessed of his property, who has a reasonable right to have property or that anybody should be dispossessed without any kind of compensation whatever, and...

Shri Raghavachari (Penukonda): Is there any remedy if that is done?

Shri T. T. Krishnamachari: I am coming to that. My hon. friend is a little too previous. The safeguard is a very vital safeguard, and we hope it will remain a vital safeguard. Whatever might be the exigency or circumstances that might put in power various parties in the State legislatures, the party that will be in power in the Centre will be a party that would be bound by moral obligations for all time.

Shri V. G. Deshpande: Which party?

Shri T. T. Krishnamachari: The safeguard that has been provided is

a very vital and important safeguard that no State legislation pertaining to article 31A can be made into law unless it is reserved for the assent of the President and obtains the assent of the President. That is the best safeguard that we can ever devise. I would like to ask my hon. friend who is a very distinguished lawyer to find any other safeguard that we can devise.

Shri Raghavachari: I was referring to the fact that no remedy is open at all.

Shri T. T. Krishnamachari: English language is rather a difficult thing to understand unfortunately I do not understand a lawyer's language.

That is broadly the scope of the amendment.

A question has been raised by my hon. friend Shri Venkataraman, quoting as he did from the Prime Minister's speech whether the amendment would mean that any action taken by the exercise of the power of eminent domain under article 31(2) would not be open to challenge by a court of law. My hon. friend is a very intelligent young lawyer with a brilliant future before him and I am perfectly sure that he understood the object and scope of this amendment when he wrote out a note for the benefit of all of us. It is an elaborate note extending to 16 pages. My hon. friend being young,—I am reminded of the days when I was also young and inclined to be slightly irresponsible—could never get away from the temptation of scoring a debating point against an unfortunate person who was temporarily in charge of the Bill, that is myself. The Prime Minister's speech is very clear. He has referred to the position of courts as it was when he moved in the Constituent Assembly article 24 as it then was, corresponding to article 31. It was not merely his intention. It was the idea of all of us that the courts would accept the spirit of the Constitution, that the courts would move with the times and interpret the Constitution in such a manner that progress would be possible. Well, I do not say that the courts were wrong. But, very possibly we asked from the Judges a little more than what they were capable of giving. The Prime Minister has merely reiterated that position, in saying that he still felt that when the Parliament or legislature has been fair;—not when it is unfair—in apportioning compensation, it would be accepted in that spirit by the courts. He has also said on page 5112:

> "Now, we wish to make that perfectly clear. So far as the acquisition of property is concerned, the old law holds."

Of course, the Prime Minister would reply and he would be able to enlighten Shri Venkataraman. So far as I am concerned, I can only say that the old law holds. So far as article 31(2) is concerned, it has been hedged in by a number of other considerations. We still have a hope that in any interpretation of any future law which we pass in this House in regard to the acquisition of property under article 31(2), the Courts will take a broad view of the situation and uphold the decision of Parliament and interfere only when they feel that any special injustice has been done or any important factor has been overlooked.

To come back to where I began, namely, the need for this particular measure, my hon. friend Shri N. C. Chatterjee is not here. He knew full well what the need was. The need was because of two things. One was that we felt and the States felt that they must undertake land legislation. As the Prime Minister very rightly put it, in the matter of land legislation, it is very good if the State takes the action. It may even be that the State does not want to take over any portion of any land. It may be that it wants to give some more rights to the tenant or it may be that some kind of a ceiling will have to be put on it. Therefore, some kind of land legislation was very necessary. Because as my hon. friend Shri C. C. Shah put it, if we do not undertake

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this kind of legislation, we have to face the logical consequence namely, the Constitution of which we are very proud and which we want to work may be uprooted by violence.

The other aspect of the question was, the decisions of the Supreme Court. Three decisions were mentioned by Shri C. C. Shah and he amplified the scope of the three decisions, namely, the decision in the Sholapur Mills case, that is, Dwarakadas Srinivas *versus* the Union Government, the decision in the Subodh Gopal case, and the decision in the Bella Banerjee case. There is yet another decision that came after that —I do no know if Shri C. C. Shah referred to it—namely, Saghir Ahmed case in regard to Uttar Pradesh Transport. Unfortunately, step by step every successive decision underlined even more clearly and emphatically the position that the State cannot act for purposes of regulating the economy of the country, for purposes of regulating business, industry and transport. And in every instance every law in any country which is unfavourable to the action of the State was quoted. If the American law was unfavourable, that was quoted. If, on the other hand, as for instance in the Transport case, where the American law clearly recognises the right of a State to interfere with road transport and restrict the right of the individual to merely private use, well, then the British law, as being the parent of the Indian law, was taken into consideration. I do not propose to say anything about why this was done, but the fact remains that this was done. And therefore, if we had to act as a Government, if we had to function as a Government, something had to be done.

My hon. friend, Shri Tulsidas, was in a spirit of frustration, singularly unhelpful, which is not his usual characteristic. He was angry. I thought he would have supported this amendment because, at any rate, my friend Mr. Venkataraman brought out the basis for supporting the amendment. But whatever we do we get no thanks from anyone.

Mr. Tulsidas asked us: what is the reason for it? What has happened? Haven't you got enough powers? For an intelligent man like Mr. Tulsidas, for a man who has probably amassed by the sheer weight of his intelligence crores of rupees, I do not have to tell the first principles of why an amendment is undertaken. He referred to the Company Law. May I tell him that the provisions of the Company Law even as they now exist would become *ultra vires*. May I also tell him that following the interpretation of the Supreme Court which has reiterated in the U.P. Transport case, namely that there is no distinction whatever between article 31(1) and article 31(2), the Banking Companies Act will be *ultra vires*, that the Insurance Companies Act will be *ultra vires*, that the Industries (Regulation and Development) Act will be *ultra vires*, the Forward Markets Commission Act will be *ultra vires*, that every Act that we have on record will have some provision or other which makes it *ultra vires* merely because of a very categorical assertion, particularly in the last judgment delivered by the Supreme Court, that they find no distinction whatever between 31(1) and 31(2), that any abridgement, even notional, intangible, of a prospective right, would attract the power of eminent domain, and therefore must attract compensation.

If my friend Mr. Tulsidas had given us an alternative draft, I am perfectly sure the Law Minister and his advisers would have examined it. But he says: why is there any need for this kind of thing? The need is there, it is patent, and there are four judgements.

My hon. friend Mr. Tulsidas told us that he was on the Governing Board of Directors which was appointed by Government in regard to the Sholapur case. He knows the decision in the

Sholapur case. The decision was that the Ordinance was *ultra vires* of the Constitution. He must have also known that there were good enough reasons for the Government to take over that institution. And I believe he also knows that if, instead of handing over the property, Government had decided to pay compensation and refer the matter to a Tribunal, no compensation would be payable, but unfortunately we never knew what would happen. If a Tribunal had decided that no compensation was payable because the company was not making any profits, because the administrators like Mr. Tulsidas have administered the property carefully and no damage was done to the property, even then we do not know what the Supreme Court would say.

Shri Tulsidas: May I ask for one clarification? I would like to know whether it would not be possible for the Government to take action under section 153(c) of the Company Law.

Shri T. T. Krishnamachari: What my hon. friend says is just like this. You hear the Ramayana and then ask: what is the relationship between Rama and Sita. I have been telling that many provisions of the Company Law would be *ultra vires*, and I have no doubt in my mind that the position of section 153(c) will also be in jeopardy. There are one or two instances in which I wanted my colleague to take action under section 153(c), and we were told that the position in regard to action under section 153(c) by the Government or the Company Law Authority would be in jeopardy.

Shri Tulsidas: That is a matter of opinion.

Shri T. T. Krishnamachari: It is a matter of opinion so far as my friend is concerned. It is a matter of certainty so far as I am concerned, and unfortunately it happens that I am here and he is there.

Therefore, the question really is that these are the Supreme Court decisions which we have to take into account.

Now, we have not done anything new. It may be my hon. friend Mr. Chatterjee says that this Government has got profound and supreme disrespect for the Supreme Court. No, Sir. We have a lot of respect. We have felt that at any rate there was one judge who took the view that Government had what are called regulatory powers which in American law is called police powers. That is Mr. Justice Das. In fact, the whole scheme of the amendment article 31(2) and (2A) has followed more or less his own decision primarily in the case in which he decided in favour of Government, *i.e.*, Chiranjitlal's case, and subsequently where he had maintained the same position though for other reasons he has held differently.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

I would like to say this to my friend, Mr. Chatterjee who is not here, that if the Supreme Court had decided in the case of Sholapur Mills that Government had not done any kind of taking possession for four years and therefore the Government should not be in possession of it, so far as the Constitution is concerned, that would have been a different view. We would have had to amend the Act. Or, if they had said in the case of Bela Banerjee, that the legislation that the Bengal Government had passed was a legislation in perpetuity though intended obviously to meet a matter which has arisen for the time being and might remain constant for about six or seven years, well, we could have amended the Act. We could have said the Act will be in operation only for seven years. If that is the ground on which they declared this legislation *ultra vires*, the legislation could have been amended to suit the views of the Supreme Court. But, if the Supreme Court's decision says that you have no right to legislate at all and if you do legislate you must pay full compensation, obviously it is a thing which cannot be done.

Let me ask my hon. friends on that side who oppose this Bill: tell me

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what compensation I should pay in regard to taking over the Sholapur Mills. What benefit does Government get out of it. From whom am I to pay the compensation? Should I ask the innocent tax-payer to pay a little more tax so that I may pay compensation to a set of people who have mismanaged their industry and who have put production and labour in jeopardy? Therefore, it does seem to us, at any rate, that the Supreme Court, in coming to the decision, had not anticipated the difficulties that Government would have. We are not saying that what they did was wrong. We are merely saying that they have made the carrying on of Government an impossibility, the action of implementing the policies of Government and which have been enjoined by the Constitution, an impossibility.

I do not propose to weary the House by underlining those obiters as well as pronouncements of the Supreme Court Judges which have necessitated this amendment. But it is sufficient for me to say here that while Mr. Chatterjee says there is a lot of confusion on our side, we ourselves could not very clearly find out exactly what the Supreme Court Judges had in view. In fact, in the judgement of the Supreme Court in Saghir Ahmed *versus* the U.P. Government, I think more than one issue has been dealt with and no pronouncements have been made. Again, in Subodh Gopal's case, Justice Patanjali Sastri has re-stated the position taken up by his colleague, Justice Das, in the previous case. I would like to read a few portions of it:

> "Turning next to the contention based on Article 31(1), it was put thus in the language of Das J. in— 'AIR 1951 SC 41 at p. 62 (A)', which the learned Attorney-General fully adopted...."

That, Sir, is the re-statement of the position taken up by Justice Das that article 31(1) indicated the police powers, and article 31(2) indicated eminent domain. And Justice Patanjali Sastri goes on to say, after restating that position:

> "I have made this lengthy extract in order to avoid possible unfairness in summarising it. These observations were made while rejecting an argument of the petitioner in that case, which, however, the learned Judge decided in his favour on another point, and are thus purely *'obiter.'* With all respect to my learned brother, I am unable to share the view expressed by him. He reads clauses (1) and (2) as mutually exclusive in scope and content,— clause (2) imposing limitations only on two particular kinds of deprivation of private property, namely, those brought about by acquisition or taking possession thereof, and clause (1) authorising all other kinds of deprivation with no limitation except that they should be authorised by law. There are several objections to the acceptance of this view. But the most serious of them all is that it largely nullifies the protection afforded by the Constitution to rights of private property, and indeed, stultifies the very conception of the 'right to property' as a fundamental right."

It is not a case of my being opposed to a view that Justice Patanjali Sastri has mentioned, but his being opposed to a view which his own colleague has adumbrated in one of his judgments.

So, we now come to this position that firstly we have to distinguish between the regulatory or police powers of Government, and the powers of eminent domain. And secondly, we have to take out of completely the purview of certain fundamental rights (articles 14, 19 and 31) certain categories of governmental action, which we envisage will have to be taken in the immediate future. In one sense, —I think the Prime Minister has stated this once before, not here— our amendment to article 31A, though the manner in which it has been framed might not be mutually exclu-

sive so far as its application to some other article, *i.e.*, the previous article, is concerned, is a manifesto or a statement of objectives of what Government propose to do. And we want, no doubt, to creep in there, and we are not so much concerned with the niceties of law that we find that anything redundant should not be stated. My hon. friend Shri Venkataraman said, anything redundant might be interpreted by the Supreme Court in a different way. Well, I hope for the best. I am sure the Supreme Court would not perhaps persist, as they had persisted in four judgments one after the other, in closing their eyes to the possibilities of Government having to use regulatory powers or police powers.

Before I sit down, I would like to deal with one or two points raised by hon. Members. I do not propose to deal with what Shri N. C. Chatterjee has said, except to say that he has drawn the picture rather luridly. He has mentioned about large areas of land being required or requisitioned for the purpose of erecting a dam, and the people being thrown out. May be, there might be one or two instances where people have not been resettled, but I do not think any Government which is based on the franchise of every adult could afford to throw out of occupation a large number of people. And even in the case of land, the safeguard, as my hon. friend Shri Raghavachari has put it, is that where a large number of people are affected, no State can with impunity afford to set at naught the rights of those people, for it will have to go to them some time or other.

The other point which my hon. friend Shri N. C. Chatterjee as also Shri Frank Anthony mentioned was the question of public purpose in regard to article 31A. Well, as somebody else has mentioned, article 31A could not be implemented by the executive; it has got to be implemented by means of the Legislature, invariably by Parliament. Unless it be a Bill promoted by a private Member for the purpose of a very small private interest, which has a bearing on public policy, and their troubles being solved, I cannot imagine any case of Government undertaking a legislation covered by article 31A, which is for a private purpose; and public purpose, whether it is mentioned or not, is inherent, and cannot be got away from.

One other matter I would like to mention is that my hon. friend Shri Asoka Mehta, while speaking in a language different from my hon. friend Shri H. N. Mukerjee, spoke about compensation, referred to the quantum of compensation Government would give, and the liability to give compensation in certain cases, and above all to see that fairness is the guiding principle in the matter of compensation. The point is again mentioned by my hon. friend Shri Venkataraman. I have no desire to lable myself as a socialist. I carry whatever label people give to me, but I am going to read an extract of a pronouncement by a socialist, which I think is good enough for me. In fact, I am reading from an article written by Mr. Gaitskell, who I suppose is a socialist, may not be as good a socialist as some people might want him to be, and certainly not as good a socialist as my hon. friends in the other Benches there want him to be. He has written an article, where he says:

> "Nationalization should not be looked on as something which is good in itself, but as something which contributes to the economic aims which I have already put forward. It is true that at an earlier stage in socialist thought nationalization was regarded as the one supremely important means to achieve these aims. Today it still is important as a means, but its relationship to socialism is by no means the same.
>
> The reason for the change is that the full implications of parliamentary democracy are now understood and accepted and that these include the necessity both

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for a gradual extension of public ownership and for the payment of fair compensation to existing owners....

But if the transfer to public ownership is gradual and full compensation is paid, this argument falls to pieces. Full compensation implies that the owners of the industry to be taken over should not be penalized as compared with other capitalists; hence the transfer to public ownership does not stop the flow of unearned income; all that happens is that it takes the form of a rather smaller and more certain flow of interest payments instead of a larger but much less certain profit income.

The case for paying compensation in full need not be argued here. Apart from any moral objection to the confiscation of property without regard to the wealth of the individual, there is the practical difficulty that private firms in other industries not yet, but due to be, taken over would retaliate in face of the threat of confiscation by reducing investment and getting out as much as they could while they could. And this simply does not square with the efficient operation of the private sector which is obviously to be desired throughout the long period of transition, inevitable under democratic conditions."

So, the justification, if any....

Shri Sadhan Gupta: Does the hon. Minister mean to say that conditions in India and in the United Kingdom are just the same?

Shri T. T. Krishnamachari: Conditions in India are not just the same as in England. If my hon. friend had been educated in India, I am afraid his condition would have been slightly different.

Shri Sadhan Gupta: I have been educated in India, except for 8½ months.

Shri T. T. Krishnamachari: I am not entering into a plea for any particular interest. In any pattern of society where the ultimate aim is an egalitarian structure, each component part will have to pay the price for it, and it is inevitable that that price would be paid by that portion of society which does not fit into an egalitarian structure.

But it is public interest, it is public policy, to see that the wealth that belongs to the nation is not frittered away and that that wealth is made available to it. I do maintain that, so far as the administration of our economic policy is concerned, the Government has sufficient means at its power, sufficient resources at its command, with these amendments that we have in store for us, to see that every sector in society takes its proper place and contributes to the progress of the country as a whole. I have no fear from any particular sector; I have no intention of raising any fears or scares, excepting to say that the Government which runs this country today, which is in charge of the Leader of the House, will, whatever might be the circumstances, whatever might be the Constitution, honour its obligations as an honourable government, as a government which is impelled by moral values more than any other type of values.

Shri Barman (North Bengal—Reserved—Sch. Castes): The point that has been made by Shri Venkataraman is an important one. Let me state at the outset that we have full confidence in the present Government, and specially in the leader. At the same time, it is also important for us to know the full implications of the amendments that we are going to make. One point that is important in this connection is that by making two successive amendments, one by the first amendment of the Constitution — of article 31 — and then again another amendment as

proposed by this Bill, are we not indirectly conceding that property that is not included within the proposed clause 31-A is not to be acquired or requisitioned without full compensation being paid? That is the simple point. Once we concede that, it comes to this that at a later stage, when any further necessity will arise in the opinion of this House or the government of the time to acquire any other property not included within the proposed article 31-A, the criticism might be advanced that we are tampering with the Constitution. If that be a correct view, then I think that we should think, here and now, what kind of amendment will serve our purpose.

It has been said by many speakers that really, when articles 31(1) and 31(2) were framed and passed by the Constituent Assembly, it was the clear intention of our leaders, of the framers of the Constitution, that in the matter of acquisition or requisition of property, the legislature would be the supreme authority and that only in the case where the legislature went beyond the intention and when the compensation provided for any acquisition or requisition was something so ludicrous that it might be called a fraud on the Constitution, the judiciary could step in. We hold that view even now, that that was the intention of article 31 of the Constitution, and that that is even now the intention of the Government and our party leaders, as amply indicated by the several speeches made. But when the Supreme Court held otherwise, that the word 'compensation' means just compensation, in the analogy of the Fifth Amendment to the U.S. Constitution, the problem arose for us as to what to do with the situation and with the pledges that we had given to the country. At that time, we added article 31-A. I think that by adding article 31-A during the first amendment of our Constitution, we conceded that the interpretation put on the word 'compensation' in article 31 by the Supreme Court is right. I apprehend that by the proposed amendment of the Constitution this time, we are further conceding that point to the Supreme Court—that is, that the view held by the Supreme Court is right. It comes to this that because there are certain immediate necessities, on which the country cannot wait, we are putting all those things which can be considered as property under article 31-A as we are now going to amend. That is the whole point. I am not a constitutional lawyer and I do not pose to be any such. At the same time, as common people, we want the point to be clarified by our leader.

On the general point, I would like to say this, that I do not understand why there should be so much opposition—though the opposition came only from a few Members—to a simple measure like this in which we are asking this Parliament to concede certain matters and pass the amendment whereby only certain classes of property might be taken out of the purview of article 31 (2). I should like to tell them that when the Constitution makers conceded adult franchise to this country, the country was assured that the evil days of the masses, of the exploited masses, were over. The country is now full with hopes and it is expecting many more things than perhaps the government of the day can do and give all at once. Under these circumstances, in the face of the interpretation of the Constitution put by the Supreme Court, it is our duty to amend that Constitution so that the desire of the country, the aspirations of the exploited masses, may not be held up. That is the simple point. That the propertied classes should even now think that their days will remain, as they were before, is a wonder to me. They have seen before their very eyes the fate of the Rajas and Maharajas and also of the zamindars. After that, to think that in their case the Government will not touch their property and it

[Shri Barman]

will remain in the same position as it has been all along, is something beyond anybody's comprehension. I do not know how they can think in that manner. I hope that the propertied classes who are so much anxious about their property rights will think twice before they take up that attitude. The exploited masses of this country shall not remain for ever in that position. They must demand their right, and it is right that they are demanding it, and this government, which is pledged to bring about a Welfare State, which is pledged to bring about in this country a socialist State, cannot but do what little it is doing. I hope that our propertied classes would join with us for a bloodless revolution, for a non-violent revolution that we want in this country.

With these words, I support this amendment.

श्री एस० एम० दास (दरभंगा मध्य): इस संविधान के चतुर्थ संशोधन बिल की आवश्यकता से, जिस पर आज दो दिनों से बहस हो रही है, कोई इन्कार नहीं कर सकता। जिस समय यह संविधान बना और लागू किया गया उस समय अपने तुच्छ विचार में मैंने सोचा कि एक तरफ तो संविधान का चौथा अध्याय है जिसमें हमने राजनीति के निर्देशक सिद्धान्तों का निर्णय किया है, सामाजिक एवं आर्थिक न्याय जल्द कायम करने का निर्देश किया है, उसके ठीक पहले ही हमने सम्पत्ति सम्बन्धी अधिकार का मौलिक अधिकार के अध्याय में समावेश दिया है। अब फिर संशोधन हमारे सामने है। मैं समझता हूं कि यह जो ३१वां अनुच्छेद है वह चौथे अध्याय के लिये एक बड़ी के समान है। कोई भी राष्ट्र उन निर्देशक सिद्धान्तों को सामने रखते हुए, जिन को हमने चतुर्थ अध्याय के अनुच्छेद ३६ से ५१ तक रखा है, यदि यह विचार करे कि जो सदियों से शोषण के आधार पर संचित सम्पत्ति है और जो निहित स्वार्थ हैं उनको सुरक्षित रखते हुए वह प्रगति कर सकता है तो यह आशा दुराशा मात्र होगी। इसलिये जब सन् १९५१ में संविधान में संशोधन पेश हुआ तो हम ने सोचा था कि शायद जो बेड़ियां हैं ३१वीं धारा की वह इस संशोधन से दूर हो जायेंगी और हम उनको काट कर फेंक देंगे और हम अपने कल्याणकारी राज्य के आदर्श को प्राप्त कर लेंगे। लेकिन एक कांग्रेस कार्यकर्ता के नाते मुझे उस समय भी निराशा हुई थी। यद्यपि आज कुछ आशा बन्धती है फिर भी यह सही है कि धारा ३१ का जो रूप है उससे हमें यह आशा नहीं है कि हमारी सब बेड़ियां कट जायेंगी। मुझे उम्मीद है कि जो संयुक्त प्रवर समिति बनेगी वह इस बिल पर विचार करते हुए अपने समक्ष संविधान के चौथे अध्याय की एक एक धारा को रखेंगे और उस अध्याय की जो निर्देशक सिद्धान्त की धाराय हैं उन पर हम मौलिक अधिकारों के संशोधन को कसेंगे और कसने के बाद जो निर्देशक सिद्धान्तों के आधार पर ठीक धारा होगी उसको रखेंगे।

मैं न तो बैरिस्टर हूं और न वकील हूं लेकिन मेरा ख्याल है कि ३१वें अनुच्छेद के सम्बन्ध में जो हमारे उच्चन्यायालयों ने और सर्वोच्च न्यायालय ने निर्णय किया है उस से हमारे वकील और बैरिस्टर सहमत हों लेकिन अगर उसको साधारण दृष्टि से देखा जाय तो इस बात में कोई शक नहीं है कि जो निर्णय उन्होंने किया है वह निर्देशक सिद्धान्तों को अपने सामने रखकर नहीं किया है। हमारे संविधान के

जो शब्द हैं उनका अर्थ लगाकर उन्होंने यह निर्णय दिया है। इसलिये मैं समझता हूं कि अब जो हमारे सामने यह संशोधन बिल आया है इसमें हम स्पष्ट भाषा में अपनी बात कह दें ताकि हम जो आगे प्रगति करना चाहते हैं और जो हम सामाजिक और आर्थिक क्षेत्र में सामाजिक और आर्थिक न्याय की स्थापना करना चाहते हैं और जो सामाजिक और आर्थिक समता कायम करना चाहते हैं उसे कर सकें। हम यह मानते हैं कि हम ने अभी यह नहीं कहा है कि हमारे देश में किसी की निजी सम्पत्ति नहीं रहेगी। लेकिन निजी सम्पत्ति के भी भेद हैं। जो सम्पत्ति सदियों के शोषण के फलस्वरूप एकत्र हुई है, जिस को कि हमारे देश की जनता के परिश्रम द्वारा एकत्र किया गया है, उस पर आघात करने में हमको नहीं डरना चाहिये। मैं समझता हूं कि उस पर आघात करने में डरने से हम आगे नहीं बढ़ सकेंगे। इसलिये मेरा कहना है कि हिम्मत के साथ, साहस के साथ और अपने यहां जो निर्देशक सिद्धान्त हैं उनको मद्देनजर रखते हुए मैं मानता हूं कि सर्वाधिकार इस सदन को होना चाहिए। हमने यह मान लिया है कि हमें हर आदमी को जीवन निर्वाह का साधन देना है, हमने मान लिया है कि हमको हर एक को काम देना चाहिए, हमने मान लिया है कि हम लोगों के स्टैंडर्ड आफ लिविंग को बढ़ायेंगे, हमने मान लिया है कि हमारे देश में कोई सामाजिक और आर्थिक विषमता नहीं रहेगी। अगर इसी के साथ यह मान लिया जाये कि देश के हित के लिये, अगर किसी की सम्पत्ति ली जाय और उसका बिल्कुल मुआवजा न दिया जाय तो मैं समझता हूं कि उचित नहीं है। लेकिन साथ ही साथ जो सामाजिक और आर्थिक नीति हम बरतने जा रहे हैं और जिस कल्याणकारी राज्य का आदर्श हमने अपने सामने रखा है उसकी पूर्ति के लिये, और समाज में जो विषमता है उस को मिटाने के लिये यदि हम को किसी व्यक्ति या समूह विशेष की सम्पत्ति पर आघात करना पड़े तो हम को उस से डरना नहीं चाहिये। ऐसा हम करेंगे तभी हम अपने गंतव्य स्थान पर पहुंच सकेंगे। इसलिये मैं इस बात को लेकर इस बिल का समर्थन करता हूं।

मेरा तो ख्याल था कि संविधान में संविधान की २१वीं धारा में जहां पर यह कहा गया है :

"No person shall be deprived of his life or personal liberty except according to the procedure established by law."

उसमें प्रापर्टी शब्द को और जोड़ देना चाहिये और ३१वें अनुच्छेद को रखने की कोई जरूरत नहीं रहेगी। जिस तरह से हम खास हालतों में समाज के हित के लिये व्यक्ति की स्वतंत्रता सीमित कर सकते हैं उसी तरह समाज के हित के लिए यदि आवश्यक हो तो व्यक्ति की सम्पत्ति भी ले सकें और संसद् उसके लिये जो मुआवजा देना चाहेगी वह मुआवजा हम दे दें। इसलिये ३१वें अनुच्छेद की कोई आवश्यकता नहीं है। २१वें अनुच्छेद को इस प्रकार कर दिया जाय :

"No person shall be deprived of his life or personal liberty or property except according to the procedure established by law."

हमारा ख्याल है कि इस से काम चल जाने वाला है। और इस के पश्चात् धारा ३१ और ३१ए की कोई आवश्यकता नहीं रहेगी। ३१ए में कुछ खास खास प्रकार की सम्पत्ति दी गयी है। अगर

[श्री एस० एन० दास]

उसको समाज के कल्याण के लिये लेने की या सार्वजनिक उद्देश्य से लेने की आवश्यकता होगी तो संविधान की धारा १४, १९ या ३१ के अनुसार उस पर एतराज उपस्थित नहीं किया जायगा। अनुच्छेद ३१ए में सब प्रकार की सम्पत्ति का समावेश नहीं किया गया है। हमारा ख्याल ह कि इसमें सब प्रकार की सम्पत्ति का समावेश किया जाय। इस तरह का जो भेद रखा गया है कि कुछ खास खास हालतों में हम कम्पेन्सेशन देकर या बिना कम्पेन्सेशन दिय हुए भी जायदाद को ले सकते हैं और उसमें धारा १४, १९ और ३१ लागू नहीं होगी, हमारे ख्याल में यह भेद करने वाला कानून है। जिनकी जायदाद खेतों की है और कुछ दूसरी सम्पत्ति को इस दरजे में रखा गया है और जिन्होंने अपनी सम्पत्ति कारखानों में और उद्योग धंधों में लगायी है उसको हम दूसरी दृष्टि से देखते हैं। हमारे ख्याल से यह उचित नहीं है। होना तो यह चाहिये कि हम सामाजिक प्रगति के लिये, अपने सामाजिक और आर्थिक उद्देश्य की पूर्ति के लिये जिस व्यक्ति की सम्पत्ति को लेना चाहें उसको क़ानून के ज़रिये से समुचित मुआवजा देकर या न देकर ले सकें, तब तो हम आगे बढ़ सकेंगे। इस में सर्वोच्च न्यायालय को या उच्चन्यायालय को हस्तक्षेप करने का अधिकार नहीं होना चाहिये। ऐसा मेरा ख्याल है।

जहां तक विधयक के दूसरे क्लाजेज का सम्बन्ध है मैं समझता हूं कि उच्च न्यायालयों ने और सर्वोच्च न्यायालय न जो निर्णय दिया है उस से स्पष्ट मालूम होता है कि संविधान शब्दों का गलत या सही अर्थ लगाकर दिया है। हमने व्यापार का जो मौलिक अधिकार दिया ह यदि हम उस में संशोधन करके उसे अपने हाथ में नहीं लेते हैं तो बहुत से स्टेट एंटरप्राइजेज जिन को हम सावजनिक हित के लिये लेना चाहते ह नहीं ले सकेंगे। इसलिये सर्वोच्च न्यायालय ने और उच्चन्यायालयों ने जो निर्णय दिये हैं उन को सामने रख कर हम को संशोधन करने चाहिएं। ऐसा करने से चाहे किसी भी प्रकार का व्यापार हो या कारोबार हो उसको हम सामाजिक हित के लिये अपने अधिकार में ले सकेंगे।

इन्हीं शब्दों के साथ में इस बिल का समर्थन करता हूं और उम्मीद करता हूं कि प्रवर समिति इस बिल पर विचार करते समय हमारे जो राजनीतिक और निर्देशक सिद्धान्त हैं उनको अपने सामने रखेगी और धारा २१ और ३१ में ऐसा संशोधन करेगी कि जो सम्पत्ति इस में दी गयी है उसके अलावा जो दूसरी सम्पत्ति है, चाहे वह उद्योग धंधों की हो या कारोबार की हो उसको भी समाज हित के लिए लिया जा सके। मैं आशा करता हूं कि इस विधेयक द्वारा यद्यपि पूरे तौर से नहीं फिर भी किसी हद तक हमारी वे बेड़ियां कटेंगी जो कि हमारे आगे बढ़ने में बाधक हो रही हैं और इसके द्वारा हम जल्दी से जल्दी आगे बढ़ कर आर्थिक और सामाजिक क्षेत्र में देश की जनता का कल्याण करेंगे।

4 P.M.

Mr. Chairman: I may inform the House that the hon. Prime Minister will commence his speech at 4-15 P.M. I would therefore request the hon. Member to finish his speech by that time.

Shri Raghavachari: I will finish even before that.

I have been listening to the entire discussion and I honestly feel that many of the observations and arguments and the elaborate speeches are all beyond and beside the point and do not directly touch the purpose, the scope or the consequence of the amendment that they are now proposing. I am not opposing the Bill, but my purpose is this. I am a lawyer of some standing and have given some thought to this matter and I find that unnecessary and unreasonable criticisms are levelled against the Supreme Court and sometimes against the whole class of lawyers too. I only feel that it is not quite decent that any body, more so a body like the Parliament, should refer to them in this way.

I have been at pains to understand the arguments of those who have criticised the interpretation of the Supreme Court as unjust or incorrect, as I would put it. Their chief point is that the interpretations of the Supreme Court are not in consonance with the spirit with which they have framed the Constitution. Do you expect any Court to interpret the language, in which you have clothed a subject, or in the light of the intentions of the framers of the law, when the language is not capable of yielding those intentions? Which Court can be expected to interpret a law, not as the tenor of the language goes, but in the spirit of the intentions? I will just take a few minutes of the House to show that this criticism is not at all justified. If you take the very clause on which they have put the interpretation, it says "No person shall be deprived of his property save by authority of law." Certainly, it only contemplates deprivation under the authority of law. The very next clause says that no property shall *be taken possession of* or acquired for public purposes etc. etc. The language used is that no property shall *be taken possession of* or acquired unless there is a law fixing some compensation and so on. If the Supreme Court say that you have deprived a particular person of the possession of his property without providing for compensation as you were bound to do, do you call the Supreme Court to have erred? Or do you think that you have yourself erred in putting it in that language? The elaborate arguments that were advanced on this basis are, to my mind, thoroughly incorrect and unjust.

The other point that I want to submit is this. The whole purpose of the Bill is simply to expand its scope and bring in more powers into the hands of the State. The old section 31 stated that when any property is to be acquired or taken possession of, it must be done after providing for some compensation, the quantum of it or the principles on which it should be determined. The first clause stated "No person shall be deprived of his property save by authority of law". What is property? Property is a bundle of rights. If certain rights in property are taken away or if a person is deprived of those rights, that is depriving the man of his property. Now, one method of depriving, particularly after providing in law some compensation, we have already enacted; and, therefore, the principles on which the present amendment is based is not anything new. There is really nothing for this Parliament to commit itself a-new. The principle that property can be acquired and the State can determine the principle on which it will base it is already there. It is not a new point.

The other point that is involved in the present amendment is in clause (2A). I for one think that clause (2A) has practically set at naught both 31(1) and 31(2). Clause (2A) reads—

> "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property by the State, notwithstanding that it deprives any person of his property."

[Shri Raghavachari]

In other words, if the law does not technically say that the ownership is to be transferred or the right to possession is to be transferred, it might enact any law. It might deprive a man of his property actually, physically; it might deprive the man of the use of his property in all ways. It can acquire the property or allow it to be enjoyed by some other person and all that kind of thing can be done under clause (2A) without having to pay compensation. Therefore, as Shri T. T. Krishnamachari himself put it, clause (2A) is only meant for expanding or making clear the *'police rights'* that are ordinarily involved and contemplated by other Constitutions. Clause 31 (2A) is an article that is clothed in a language which will enable the Government to deprive men of any kind of property and the owner will go without compensation, without anything for the matter of that. Only technically, the law will have to say, "I do not want a transfer of the property or of the right to possess the property." Therefore this article embodies a provision which really sets at naught the real purpose of the chapter on fundamental rights. We have been hearing many arguments. I for one feel that the whole of this article 31A is absolutely unnecessary. My hon. friend Shri Asoka Mehta was asking, can we take over this, that and the other. Under article 31 (2A) as it is now worded anything can be taken over and the man from whom it is taken over has absolutely no remedy. Article 31A is simply an elaboration of 31(2A), and it constitutes really an exception to article 31(1) and 31(2).

[MR. SPEAKER *in the Chair*]

I put a question to Shri T. T. Krishnamachari and he said that some compensation would be surely paid, and even the Prime Minister was pleased to say that compensation will always be given but not full compensation. Of course, the meaning of the word 'compensation' is, it is to be something given against what a man is deprived of. We have given the powers to the State to formulate any law, laying down the principles of compensation. The real point is notwithstanding anything contained in and the rights conferred by, articles 13, 14, 19 and 31, and the rights to approach the Courts referred to under the chapter on fundamental rights—in spite of all these things—property, and the rights in it can be taken over. That means if a law is passed and it effectively deprives a man of his property, he is without a remedy in any court of law. I agree and the Prime Minister also gives an assurance. As a practical proposition also, no Government can carry on without really being just in its laws; I do not expect the State Legislation or Parliament to enact Legislation without any regard to justice or showing fairplay; but those are all matters which helplessly throws us to trust the good sense of people and the administration; it is not open to any citizen, if in disregard of these assurances a particular Assembly of a State or the Parliament passes law, to go to a court of law for relief. The man is without a remedy. He cannot go to court. The fundamental rights are there, but what are they for? They are guarantees of certain rights only when a man can seek protection even against the Government or against anybody who infringes those rights. If you deprive one of that right and then say, these fundamental rights have nothing to do when compared with the directive principles and so on, I would simply ask one question. Were the framers of the Constitution aware that there were directive principles and there were also fundamental rights? Did they expect that there should be a harmonious way of administering both these things and they should not be urged to be inconsistent with one another? Friend after friend referred to equality, justice and so on. But they only said so in respect of a particular way in which they wanted justice to be meted out. But justice certainly must mean justice to all interests. Therefore, my

submission is that this is a law which really, and in effect, clothes the legislatures of States with extra-ordinary powers. If a law providing no compensation is passed, the man goes without remedy. It will work out certainly as an expropriatory measure. Well, we know how the Government is going on; it is not likely to do all that, and any State can be expected to be just and all that. We must only depend upon these 'extra' safeguards and not really on the safeguards contemplated by the fundamental rights guaranteed under the Constitution. That is all that I want to say.

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : दो दिन से इस मसले पर बहस हो रही है और बहुत कुछ छान बीन हुई है। अधिकतर बातें तो इस तरमीम के हक में कही गई हैं। कुछ लोगों ने यह भी कहा है कि यह काफी दूर तक नहीं जाती, इस को और आगे जाना चाहिये था। कुछ सदस्यों ने कहा है कि यह ज्यादा दूर तक जाती है। लेकिन शायद इस दो दिन की बहस का नतीजा यही निकला है कि जो चीज पेश हुई है वह उसूलन, सिद्धान्त रूप से ठीक है। भले ही छोटी मोटी बातें इस में इधर उधर की जायें। तो सारी कानूनी बहसें हुई हैं क्योंकि हमारी खुशकिस्मती से यहां कानूनदां बहुत मौजूद हैं, और हमेशा उन की कद्र करनी चाहिये क्योंकि ऐसा न करने का नतीजा अक्सर अच्छा नहीं होता। तो इस के कानूनी जंगल में हम घूमे कि क्या चीज एमिनेन्ट डोमेन है और क्या पुलिस पावर आफ स्टेट है, वगैरह वगैरह की चर्चा हुई और यह माकूल बातें हैं। लेकिन अगर आप मुझे इजाजत दें तो कुछ इस जंगल से निकल कर खुली हवा में भी हम थोड़ी देर रहें।

मैं ने संविधान की तरमीम में एक बहुत छोटी सी चीज पेश की है और उस को हम सीधी तरह देखें न कि बहुत कानूनी तरीकों से। पहली बात मैं ने कल भी साफ की थी और फिर भी अर्ज करना चाहता हूं कि अगर किसी को यह खयाल हो कि हम सुप्रीम कोर्ट का विरोध कर रहे हैं तो यह बिल्कुल गलत है। हम ने सुप्रीम कोर्ट की बात को माना, उन के फैसलों को पूरी तरह से स्वीकार किया और इसी लिये हमें यहां आना पड़ा। अगर हम उस को स्वीकार न करते तो और तरीके थे। यह बुनियादी बात है, सुप्रीम कोर्ट के फैसले हमारे सिर आंखों पर हैं। हां, यह बात है कि उन फैसलों में कभी कभी जो अंगरेजी में आबिटर डिक्टा कहलाते हैं वह भी होते हैं। और उन की शायद कद्र नहीं होती जितनी कि और फैसलों की। कभी कभी यह भी होता है कि वह बुजुर्ग जो सुप्रीम कोर्ट के जज हैं, और जिन की हम वहां कद्र करते हैं, वह अपनी कुर्सी से बाहर आ कर भी कुछ चर्चा करते हैं, या बाद में जब वह अपनी जगह से अलग हो जाते हैं तब भी अपनी रायें मसलों पर दिया करते हैं। जाहिर है कि जो कुछ वह कहें उस की कद्र करनी चाहिये, लेकिन उतनी कद्र उस की नहीं हो सकती। फिर तो वह और हम एक से हो जाते हैं, बराबरी के, और अगर वह हमारी नुक्ताचीनी करें तो मुमकिन है हम भी कुछ जबांदराजी करें। तो पहली बात तो यह है कि कोई सुप्रीम कोर्ट की मुखालिफत या निन्दा या नुक्ताचीनी का सवाल नहीं है।

इसी के साथ मैं बहुत अदब से कहूंगा, हालांकि यह मेरे सदस्यों से कहने या याद दिलाने की बात नहीं है, कि हमें इस पार्लियामेंट की भी इज्जत करनी चाहिये और यह नहीं समझना चाहिये कि अगर उस की कुछ नुक्ताचीनी की जाय तो वह खतरे में पड़ गई और उस के फैसले गलत हैं। क्योंकि यह बात यहां नहीं है, बहस तो यही है न

[श्री जवाहरलाल नेहरू]

कि पार्लियामेंट के हाथ में क्या अधिकार हैं मुआवजा, कम्पेन्सेशन वगैरह का । और कोई खास बहस तो है नहीं । इतनी छोटी सी बहस है । जब यह एतराज किये जाते हैं कि यह खतरा है इस में कि सुप्रीम कोर्ट या किसी और अदालत के जो निणय होंगे वह महफूज होंगे, तब उन साहबान का इस पार्लियामेंट में कुछ भरोसा कम सा मालूम होता है । इसलिये हमें याद रखना है कि कोई भी आप विधान बनायें जो लोकतंत्र के, प्रजा तंत्र के या डेमोक्रेसी के अनुकूल हो उस में तराजू बराबर रखने पड़ते हैं । उस में आम अंदेशा है कि एक पलड़ा भारी हो जाय या कुछ एक दूसरे में मुठभेड़ हो और आप कतई अच्छे कायदे कानून बनायें फिर भी इस में तब तक इस बात का अन्देशा रहता है जब तक कि लोग शराफत से उन पर अमल न करें । कभी कभी हो सकता है कि कुछ खींचातानी लोक-सभा में और राज्य-सभा मे हों जाय, यह मुमकिन है । तो सिवा इस के कि हम उस का सामना करें, शराफत से उस को सम्हालें और कोई तरीका नहीं है । खैर, तो पहली बात यह है कि सुप्रीम कोर्ट या दूसरी अदालतों के बारे में किसी को भी खयाल न हो कि हम उन की आज़ादी को कम करना चाहते हैं या उन के फैसले को अपने ऊपर बाईंडिंग नहीं समझते । हमें उन के फैसले को पूरी तरह से मानना चाहिये लेकिन जब उस फैसले को मान कर उस का नतीजा ऐसा होता है कि जो हमें नापसन्द है, सामाजिक दृष्टि से या राजनीतिक दृष्टि से तो फिर जिम्मेदारी अदालत की नहीं पार्लियामेंट की होगी । कई तरमीमें विधान की हमारी तरफ से पेश हुई हैं और जैसा कि मैं ने कल कहा और भी होंगी जोकि बड़ी भी हो सकती हैं और छोटी भी । इन पिछले पांच सात वर्षों के अमल के बाद छोटी और मोटी बातें नजर में आईं । लेकिन जो खास वजह इस की हुई और जिस से हम किसी कदर परेशान हुए और जिस ने हमें इस मामले को जल्दी हल करने के लिये मजबूर किया वह था शोलापुर का मुकदमा । अभी एक माननीय सदस्य ने जो मेरे सामने बैठे हुए हैं उन्हों ने जिक्र किया कि शोलापुर के मुकदमे में कुछ सख्ती हुई और उन की कम्पनी ला या किसी और कानून से देखभाल होनी चाहिये थी । चंद बातें कल मेरे साथी श्री सी० सी० शाह ने इस के बारे में काफी वजाहत से कहीं । लेकिन शोलापुर का मामला एक ऐसा मामला था जोकि अजीबोगरीब था यानी यह साफ ज़ाहिर था कि जो उस के डायरेक्टर थे, जो उस के मैनेजिंग एजेंट थे उन्होंने इंतिहाई दर्जे की गलतियां की थीं । मैं ने कमज़ोर लफ्ज़ों का इस्तैमाल किया है । सख्त लफ्ज़ों का मैं इस्तमाल कर सकता हूं और इन अलफ़ाज़ में मैं कह सकता हूं कि उन्हों ने पब्लिक का रुपया पब्लिक का रुपया नहीं समझा और खुदग़र्ज़ी दिखाई और बहुत बुरी बातें कीं । इस पर मजबूर हो कर गवर्नमेंट को उस में दखल देना पड़ा. क्योंकि यह कौम की दौलत थी । किसी हद तक यह शेयर होल्डर्ज़ का रुपया है लेकिन कौम का भी है, मुल्क का भी है और हम इस बात को बरदाश्त नहीं कर सकते थे कि कौम का रुपया कोई बरबाद करे । वहां पर हर गलत और निकम्मी बात ज़ोरों पर थी । इन सब बातों को देखते हुए गवर्नमेंट ने फैसला किया कि इस का इंतिज़ाम दूसरी तरह चलाया जाय और डाइरेक्टर्ज़ और मैनेजिंग एजेंट्स के कब्ज़े से इस को कुछ अर्से के लिये ले लिया जाये। बिल्कुल कब्ज़ा तो नहीं किया और यह फैसला किया था कि उस को सम्हाला जाये । जिस तरह कोर्ट आफ वार्ड कुछ सम्हाल के लिय कायम किया जाता है इसी तरह से हम ने

इस की सम्हाल करने का फैसला किया । कुछ दिन बाद सुप्रीम कोर्ट ने फैसला दिया कि कानून और विधान की रू से गवर्नमेंट का यह स्टेप गलत था और जब तक हम उन्हें पूरा मुआवजा नहीं देते तब तक हम उस का इंतिजाम अपने हाथ में नहीं ले सकते थे और इस वजह से हमें इस मिल का इंतिजाम उन डायरेक्टरों और मैनेजिंग एजेंटों को वापस कर देना चाहिये । जब सुप्रीम कोर्ट का यह फैसला हुआ, जाहिर है हमें उस को मानना था। हम ने उस को माना और उस को दिया । किस को दिया ? उन्हीं को जिन लोगों ने उस को तबाह किया था, जिन्हों ने दुनिया के सामने यह दिखा दिया कि वह निकम्मे हैं, जिन को सजा मिलनी चाहिये थी, उन को हम ने एक तश्तरी में रख कर शोलापुर के कारखाने को नजर किया कि लीजिये साहब, हुक्म है सुप्रीम कोर्ट का । हमें उस हुक्म को मानना था और हम ने उस को माना । लेकिन मानने के बाद फिर यह गौर करना था आप को और हम को कि मामला क्या है, मसला क्या है, और अगर कानून है, और कानून है ही, तो वह कानून क्या है वह सुप्रीम कोर्ट बतायेगा । तो कानून है । तो सरीहन कानून बदलना है, विधान बदलना है । चुनांचे मैं आप से कहता हूं कि यह किसी भी गवर्नमेंट के लिये बरदाश्त करना नामुमकिन होगा कि आंखों के आगे गुनाह हो और उस के लिये सजा तो देना दरकिनार उल्टा जो गुनाह करते हैं उन के सिर पर ताज रखा जाय और फिर उन को वही चीज सुपुर्द की जाय जिस को कि उन्हों ने तबाह किया । तो जाहिर है कि उस सिलसिले में इस को देखने में और बातें भी देखी गईं ।

अब मेरे दोस्त श्री वेंकटरमन ने ऐतराज किया कि ३१ में बदला क्या ? वह तो उस की पहली धारा और दूसरी धारा जैसी पहले थी वैसी ही रहेगी, सिर्फ हमने उसमें यह फर्क किया कि क्या एक्वायर करें या न करें । यह बात सही है । जो मानी मैं ने या मेरे साथियों ने कांस्टीट्यूशन में इस आर्टिकल को पहनाये थे उस मानी को सुप्रीम कोट ने स्वीकार नहीं किया । वह सुप्रीम कोर्ट की राय अब तक रही मैं इस बात को मानता हूं । उन्हों ने जो किया उस को किसी कदर थोड़ा बहुत मैं मानता हूं । अब उस के इर्द गिर्द बातें बहुत बदल गई हैं और उस का रूप और शक्ल बदल गई है। लेकिन आखिर में यह बात सही है कि अगर सुप्रीम कोर्ट चाहे तो वह इस में दखल दे सकते हैं, किसी कदर सिवा इस के कि जो धारा उस के अन्दर है उस को छोड़ कर । यह सही बात है, हालांकि वह भी इस नई फ़िज़ा में, इस नई शक्ल में, विचार करेंगे तो मुमकिन है कि उन की राय पर भी कुछ असर हो । लेकिन मैं मानता हूं कि हम ने इस को छोड़ा है । अब आप मुझ से उसूली बहस करें कि ऐसा क्यों किया तो मैं उस का खास जवाब नहीं दे सकता । म ने तरमीम पेश की है । मैं तो नहीं कहता कि किसी ऊंचे उसूल से यह तरमीम ऐसी है कि इस से बेहतर कोई नहीं हो सकती थी, या इस में कमजोरियां नहीं हैं। जाहिर है कि जब आप तराजू पर चीज को इधर उधर बराबर करें तो हमेशा बहस हो सकती है कि इधर ऊंचा रह गया या उधर ज्यादा भारी हो गया । यह तो हो ही सकता है ।

जब हम इस पर विचार कर रहे थे तो हमारे एक साथी ने बड़े जोरों से एक सीधी सी तरमीम पेश की थी और उस में सिर्फ यह था कि ३१ के मातहत जो कोई जायदाद इस तरह ली जाय उस का मुआवजा दिया जाय, क्या मुआवजा हो वह पार्लियामेंट या असेम्बली तै करे और कोई अदालत उस में दखल नहीं दे सकती है । यह बिल्कुल सीधी सी बात है । यानी जो उस में है उस को रख कर इतना बढ़ा देना कि अदालत दखल

[श्री जवाहरलाल नेहरू]

नहीं दे सकती उस मुआवजे में जो पार्लियामेंट या असेम्बली दे । जाहिर है यह सीधी बात थी, और साफ सुथरी थी । लेकिन बहुत गौर के बाद और सब बातों को देख कर हम ने सोचा कि यह शक्ल बेहतर है, और यही लाई गई, बजाय इस के कि साफ सुथरी बात को लाया जाता । जो शक्ल वह थी वह अच्छी शक्ल थी, क्योंकि उस में सफाई थी कोई बहस नहीं थी, लेकिन उस के यह बिलकुल साफ मानी होते थे कि जो फंडामेंटल राइट इस बारे में है वह खत्म हो जाता था । जाहिर सी बात है कि इस बारे में जो फंडामेंटल राइट की बात थी वह उस शक्ल में नहीं रहती थी ।

श्री गिडवानी : जमींदारों की जमींदारी लेने में फंडामेंटल राइट्स की बात नहीं लागू हुई ।

श्री जवाहरलाल नेहरू : आप ने मालूम क्या कहते हैं । याद रखिये कि सारी बात, सारा सवाल, मुआवजे का है । मुआवजा पार्लियामेंट तै करे या बाद में उसमें अदालत दखल दे यह सवाल है । यह मुमकिन था कि हम साफ कह देते कि जहां कोई जायदाद ली जाय उस का मुआवजा पार्लियामेंट या असेम्बली तै कर दे और उस में अदालत दखल न दे । चार लाइन में हम यह लिख देते और मामला साफ हो जाता । लेकिन ऐसा करने से जायदाद के बारे में जो फंडामेंटल राइट्स हैं वह बिल्कुल बेकार हो जाते । अब इस में अलग अलग रायें हो सकती हैं कि उन के बेकार होने से फायदा होता या नुकसान होता । यह दूसरी बात है । लेकिन हम ने मुनासिब नहीं समझा कि इस मसले को इतनी दूर ले जायें । इसलिये जो जो बातें हमारी निगाह में करने की थीं और जिन को हम करना चाहते थे उन को हम ने अलग रखा ए० बी० सी० डी० ई० एफ० और आप देखेंगे कि वह काफी वसीय है, इस मानी में कि अगर हम कोई सामाजिक कार्रवाई करें तो आसानी से कर सकें । हमारी यह ख्वाहिश नहीं थी कि अगर हम किसी की व्यक्तिगत रूप से जयदाद लें तो मुआवजा न दें । सवाल यह था कि हम कोई सामाजिक काम करें तो उस में मुआवजा ज्यादा हो सकता है, जैसाकि व्यक्तिगत रूप से होता है । तो इसलिये हम ने इस लम्बी बात को पसन्द किया, और उस में वह थोड़ी सी गुंजाइश रह गई जो श्री वेंकटरमन ने बतलाई है, और वह भी जान कर रखी गई । हम यह चाहते थे, कम से कम मेरे दिमाग में यह बात नहीं है, और मैं समझता हूं कि मेरी गवर्नमेंट के दिमाग में भी यह बात नहीं है कि हम बगैर मुआवजा दिये चीजों को लें । आप पूछेंगे, क्यों ? हमारे सामने जो माननीय सदस्य बैठे हैं उन्होंने कहा कि जो यहां अंग्रेजी व्यापारियों का पैसा है वह क्यों न लिया जाय, उन का जो यहां इनवेस्टमेंट है उस को क्यों न लिया जाय । कल यहां जिक्र हुआ था कि जो राजा महाराजाओं की जायदाद है या जो उन को मिलता है वह क्यों न लिय जाय । खैर, राजा महाराजाओं का सवाल तो अलग है । वहां कोई कायदे कानून का सवाल नहीं है । वहां पर तो हमारा एक इकरार है जोकि खास मौके पर किया गया । हम ने उस के लिये एक फैसला किया था । हम ने एक मौके पर उस चीज को किया और उस से फायदा उठाया । और यह किसी हुकूमत के लिये अच्छा नहीं होता कि वह अपने इकरार को तोड़े, और खास तौर से पैसे के लिये ।

अंग्रेजी इनवेस्टमेंट का सवाल उठा । मैं अदब से कहता हूं कि इस सवाल को इस तरह से देखने का तर्ज बुनियादी तौर से गलत है कि इधर हाथ मारो, उधर हाथ मारो और एक्सप्रोप्रियेट करो । ऐसा कर

के अगर हम सोचें कि हम समाजवाद ला रहे हैं या इस से हम बराबरी ला रहे हैं तो य इन्तह दर्जे गलत है । मैं इस बात को ज़ोरों से कहता हूं, हलकी आवाज़ से नहीं । इसलिये नहीं कि जिन के पास ज्यादा पैसा है उन से मुझे हमदर्दी है । बल्कि यह समझ कर कि हाथापाई कर के यह काम करना ठीक नहीं है । हमारे कायदे कानून ऐसे हों कि जिन से बराबरी होती जाय । हम टैक्स लगायें, डैथ ड्यूटी लगायें जिस से बराबरी होती जाय । हम यह कोशिश करें, और यह ज्यादा ज़रूरी है कि जो बड़ी आमदनी के ज़रिये हैं वहां हलके हलके शासन के हाथ में आते जायें । यह सब बातें ठीक हैं । हम बहुत उलट पलट किये बगैर काम करना चाहते हैं । यह विशेष कर ज़रूरी बात है । मैं इस सिद्धान्त में नहीं जाना चाहता कि अच्छाई किस में है और बुराई किस में है । मैं तो इस बात को देख रहा हूं कि देश को फायदा किस में है । हम चाहते हैं कि देश की जनता की तरक्की हो, उन की गरीबी हटे और उसी के साथ हम चाहते हैं कि ऊंचाई निचाई कम हो और बराबरी हो ।

अब अगर आप ऊंच, नीच कम करने की कोशिश कर सकते हैं, आप हाथापाई कर के थोड़े से लोगों की जेब से ले कर सौ, पचास या तो दस हज़ार लोग हैं उन को दे सकते हैं तो हो सकता है कि आप के दिल को कुछ इतमीनान हो कि हम ने यह ऊंच नीच कम किया, लेकिन कम किया सब को नीचा कर के कम किया, गरीबी का बंटवारा कर के कम की, उन ज़रियों का इस्तेमाल कर जिस से आप अमीर हो सकें । ये खतरे हैं क्योंकि आखिर में हमें देश को धनी बनाना है । देश जब धनी होगा तभी बंटवारा होगा, बंटवारा धन का होगा, ग़रीबी का बंटवारा क्या होगा । यह देखना पड़ता है कि आप जो क़दम उठायें उस से देश के आगे बढ़ने में आप मदद करते हैं या नहीं, देश को मज़बूत करते हैं या कमज़ोर करते हैं, यह सवाल है, इस में और कोई सच्चाई या बुराई का सवाल नहीं है । आप ने कहा कि इस देश में जो अंग्रेजी इनवेस्टमेंट्स हैं उन को ले लिया जाय, अक्सर इस की चर्चा हो ी है । मैं तो यह सब सुन कर हैर न हो जाता हू कि किस क़दर ग़ैर ज़िम्मेदारी की बात कही जाती है । जब एक मुल्क दूसरे मुल्क की जायदाद से या दूसरे मुल्क के रहने वालों की जायदाद से इस तरह खेलता है तब वह बदनाम हो जाता है, दुनिया में उस की कोई हैसियत नहीं रहती है । इस सम्बन्ध में आप को मिसालें याद हैं और मैं आप की याद ताज़ा करूं कि : थोड़े दिन हुए एक क्रान्ति हुई इनक़लाब हुआ, रूस में इनक़लाब हुआ, एक और जगह हुआ और रूस में कहा जाता है कि एक्सप्रोप्रियेशन हुआ, मगर याद रखिये कि वहां एक बड़ी लड़ाई हुई, एक बड़ा इनक़लाब हुआ, एक वहां गृह युद्ध हुआ, सिविल वार हुई, हजारों लाखों आदमी जो कि साहबे जायदाद थे वह लड़े, लड़ाई में हारे भाग गये मुल्क छोड़ कर और बहुत जायदादें वहां पर खाली रह गयीं, तरह तरह की बातें हुईं और उस का उन्होंने इन्तजाम किया, लेकिन मैं आप को बताता हूं कि बहुत काफी दिन बाद रूसी क्रांति के जो उन्होंने उस वक्त क्रांति के वक्त बाहर के लोगों की जायदादें जो रूस में थीं उन पर कब्जा किया था वगैर कुछ कम्पेनसेशन दिये हुए, वर्षों बाद वही रूस गवर्नमेंट उन लोगों को कम्पेनसेशन देने पर राजी हुई, कोई मजबूरी उस के लिये नहीं थी लेकिन दुनिया में अपनी शान बढ़ाने के लिये और यह दिखाने के लिये कि एक मुल्क की शान एक लाख और एक करोड़ पर चलती नहीं है, उन्होंने उन को कम्पेनसेशन देने की मंजूरी दी । मैं आप से कहता हूं कि इस क्रांतिकारी रूसी हुकूमत पर ऐसा करने के लिये कोई दबाव या

श्री जवाहरलाल नेहरू]

मजबूरी नहीं थी, फिर भी एक जरा अपना पल्ला इज्जत का बराबर करने के लिये उस ने पुराने मुआविजे देने का इरादा किया, खैर वह तो दूसरी बात हुई कि रूस करे या न करे, एक अजीब इनकलाबी हालत से निकला, गृह युद्ध हुआ, लोग भागे, कोई मालिक नहीं रहा, उन्होंने कब्जा किया, लेकिन कोई शख्स कहे कि ठंडे दिल से ठंडे वक्त पर हम बैठे बैठे हाथ मारें, इस तरह की बात मेरी समझ में नहीं आती। आखिर उन की मंशा क्या है ? कोई मिसाल इस की कहीं बतायें, एक अजीब हमारे ख्यालात, बाज हमारे साहबान के ख्यालात इस कदर पिछड़ गये हैं कि आज कल की दुनिया को वह समझते ही नहीं हैं। कुछ पुरानी किताबें पढ़ कर और पुराने नारे सीख कर समझते हैं कि समाज के पेचीदा मसले इस से हल हो जाते हैं। तो मैं बहुत अदब से आप से कहूंगा कि इस तरीके से हम जो कायदे कानून बनाना चाहें बनायें ताकि जो मुट्ठी भर थोड़े से दौलतमंद लोग हैं उन पर बोझा पड़े, ठीक है और उस को करना चाहिये लेकिन यह समझना कि कोई एक छीना झपटी से इस तरह से हम यहां समाजवाद लायेंगे, यह बिलकुल गलतफहमी है। समाजवाद की जड़ है कि आप कुछ पैदा करें और उस का समूचित बंटवारा करें। गरीबी में समाजवाद नहीं है। इसलिये इस ख्याल को कि हम एक्सप्रोप्रियेट करें, उस को छोड़ना है। इस वास्ते मैं आप से कहता हूं कि हम मुआवजा न दें, अक्सर हो सकता है कि जो आदमी मुआवजा मांगता है, उस का वह हकदार नहीं है, मैं मानता हूं इस बात को, लेकिन उस के लिये हम कोई ऐसा उसूल बनायें जिस से हमारी और सरकार की इज्जत कम हो, हमारी नेकनामी कम हो, यह बात ठीक नहीं है। जाहिर है कि हमारे मुल्क में हर तरह के लोग हैं, ऊंचे, नीचे, हर तरह के लोग हैं, कोई भी आप फैसला करें जो समाज से ताल्लुक रखता हो तो उस में किसी का फायदा होगा और किसी का नुकसान होगा। हमारे जमींदारी कानून थे, हम ने उस में मुआविजा दिया, लेकिन जाहिर है और हर एक जानता है कि बहुत अक्सरियत तादाद में जो मंझले और छोटे जमींदार थे वह किस कदर तबाह हो गये और कैसी खुशी से उन्होंने सब कुछ बर्दाश्त किया और उन में से हमारे बहुत से साथी देश की आजादी की लड़ाई में जेल गये और आज उन की यह हालत हो गयी है कि बहुतों के पास अपने बच्चों को पढ़ाने तक के लिये काफी पैसा नहीं रहा है, कुछ थोड़ी सी जमीन उन के पास रह गयी है जिस से कुछ खाने पीने को निकल आता है। यह हालत उत्तर प्रदेश में और बिहार में है। वह बर्दाश्त करते हैं, कुछ गुल शोर मचाने वाले जो बड़े जमींदार थे वह तो अदालतों में अपनी फरियाद ले कर गये लेकिन जो छोटे लोग थे वे बेचारे कहां जायें, उन्होंने बर्दाश्त किया और महज बर्दाश्त ही नहीं किया बल्कि असेम्बली में आकर उस लेजिस्लेशन के हक में वोट किया, अपने हाथ, पैर काटने के हक में वोट किया और जाहिर है कि कोई सामाजिक कानून बने तो उस में कुछ लोगों को नुकसान सहना ही पड़ता है। लेकिन सवाल यह है कि हम नुकसान किस तरह से करें, देखना यह है कि हम नुकसान करें लेकिन शराफत से करें, कम से कम नुकसान हो और ऐसा हो जो खप सके और बातों में, यह नहीं कि एक दुश्मनी और द्वेष के भाव से जितना ज्यादा नुकसान हम कर सकते हैं करें। और आखिर में याद रक्ख कि अन्दाजा इन बातों का एक ही है कि जो बात हम करना चाहते हैं उस के लिये तरीका और जरिया हम क्या अपनाते हैं, वह जरिया

हमारा क्या होता है, देखना यह है क्योंकि अगर आप महज यह समझें कि चन्द लम्बे कदों के सिर काटने से तरक्की होगी तो यह तरीका एक वाजिब तरीका नहीं होगा, बड़े बड़े सिर काटना किसी मौके पर मुनासिब भी हो सकता है, मैं नहीं कहता कि हमेशा इस बात से हम महरूम हो जायें लेकिन जब सिर काटने वाले के हाथ पर चल रहे हैं तो हाथ, पैर को बेकार कर देना कोई अच्छी बात नहीं है । यहां हमें लोगों से काम लेना है, लोगों के दिमाग से अकल से हाथ पैर से हर तरह से लोगों का सहयोग लेना है, अक्ल से काम करने वाले या ऊंचे दर्जे के लोग हमारे मुल्क में ज्यादा नहीं हैं, एशिया के और बहुत सारे मुल्कों के मुकाबले में ज्यादा हैं लेकिन फिर भी कम हैं, इसलिये हमें हर एक को मदद करना है, हमें फिजा पैदा करना है हर एक की मदद ले कर के और उन को समझा कर के उन्हीं के हाथ से कुछ अच्छे फैसले करवाने हैं जिस से उन्हें कुछ नुक्सान भी हो यह करना है, इस को हम शराफ़त से करें और एक मुनासिब तरीके से कर जिस से उन की मदद जहां तक मिल सकती हो वह हमें मिले । यह हमारा तरीका काम करने का अभी तक रहा है, चाहे वह जमींदारी कानून हो अथवा और कोई कानून हो, बहुत कुछ उन्हीं जमींदारों की मदद से हम ने किया है और उन्हीं के खिलाफ किया है और उन्होंने उस को बर्दाश्त किया है । सामाजिक न्याय करने का मौका आ गया है और मुझे यकीन है कि आज जब हम आगे बढ़ेंगे तो हमें मदद मिलेगी ।

मैं फिर दुबारा इस कानून की तरमीम पर आता हूं, कितना ही बड़ा लम्बा चौड़ा कानून क्यों न हो वह बहुत सीधी साधी तरमीम है और उस का मतलब साफ है । एक बात यह है कि असल में हमारे सामने एक बड़ी दिक्कत पेश आ गई है यह जो शोलापुर के मामले में सुप्रीम कोर्ट का फैसला था उस ने मुसीबतों की क पोटली ला कर हमारे सामने रख दी खाली शोलापुर के मामले में नहीं उस का असर पचासों कानूनों पर हो गया है या हो रहा है या जो पास होने वाले हैं हर एक पर होने वाला है और हमारे लिये एक अजीब मुश्किल पेश आ गई कि हम करें तो क्या करें । एक पिटारी खुल गयी और उस में से हर किस्म की चीज निकलने लगी और हमारे और समाज के हाथ पैर बंध से गये, और यह बहुत जरूरी हो गया कि हम अपने संविधान में तब्दीली करें, फिर सवाल हुआ कि कितना बदलें और कैसे बदलें । इस पर बहुत विचार किय और आखिर में आप देखें कि सवाल घूमघाम कर यही होता है कि जो मुआविजा है उस का आखिरी फैसला कौन करे. उस में भी हम ने इशारा किया फिर से कि यह तो पार्लियामेंट का काम है लेकिन जैसा कि श्री वेंकटरमन ने कहा हम ने सुप्रीम कोर्ट की राय में कोई आखिरी दखल नहीं दिया, दखल दिया करते हैं बहुत सी बातों में लेकिन हम ने उन के दखल को महदूद कर दिया है, उन चंद बातों में जिन्हें हम समाज को बढ़ाने वाली समझते हैं, उन में हम ने उन के दखल को महदूद कर दिया है । इस का हक पार्लियामेंट पर छोड़ दिया है और स्टेट असेम्बली को भी यह हक दे दिया है लेकिन याद रखिये कि उस के वास्ते यहां के प्रेसीडेंट की राष्ट्रपति की इजाजत की जरूरत है, यह उस में अटकाव है । एक अटकाव है, मैं नहीं कहता कि बहुत बड़ा अटकाव है, लेकिन अटकाव है । एक दम से वहां कुछ नहीं हो सकता, और कोई जरिया नहीं है । अगर आप चाहते हैं कि हम एक कानून लायें समाज की तरक्की के लिये और आर्थिक संगठन बदलने के लिये तो इस के सिवा कोई जरिया नहीं है कि हम जरा जल्दी काम

करें । अगर हर बात में हमें तीन चार वर्ष बैठना पड़े और अदालतों में फैसले हों तो इस का नतीजा यह होगा कि हम इस वक्त कदम आगे न बढ़ायें । मालूम नहीं किन किन तूफानों का हमें सामना करना पड़े क्योंकि आप कुछ लोग जो कानूनदां है, वह बर्दाश्त कर लेंगे कि कानूनी बहस हो रही हैं, लेकिन मुल्क में गालिबन १०, २० करोड़ आदमी ऐसे हैं जिन को कानून और दूसरी बातों की जानकारी कम है । इस वास्ते इस का भी हमें ख्याल करना है । जिन के पेट में भूख की परेशानी है, जिन के पास पहनने को नहीं है, हजारों बातें हैं, उन से क्या कहा जाय ? कब तक और कितनी दफा कहा जाय ? कैसे बिहार में बार बार जा कर कहा जाय कि, जरा ठहरिये अदालत में मामला अटका हुआ है, एक महीना ठहरिये, दो महीना ठहरिये, छः महीने, दो वर्ष, चार वर्ष, छः वर्ष ठहरिये । एक आदमी जो भूखा है उस से कहें कि पार्लियामेंट में बहस होगी ? लैटिन के लफ्जों का नाम ले ले कर यहां बहुत से मामले उठाये गये हैं, रिट्स हैं, इंजक्शंस हैं, पता नहीं कौन कौन् से लैटिन के टर्म पेश किये गये । क्या मैं लैटिन के नाम ले जा कर बिहार के किसानों को बताऊं कि यह हो रहा है ? यह नामुमकिन सी बात हो जाती है । इस लिये इस बात को साफ करना है कि इस तरह के कानूनों और दूसरी बातों की रुकावट न हो ।

इस पर भी आप याद रखिये कि यह सवाल नहीं है कि मुआवजा न दिया जाय । सवाल यह है कि जो मुआवजा पार्लियामेंट या असेम्बली तय कर दे वह दिया जाय । एक साहब ने एतराज किया, वैकेन्ट लैंड पर आये । मैं आप को बताऊं कि कानून के मुताबिक मुआवजा दिया जायेगा, इस के माने क्या हैं ? माने यह हैं कि आप मुआवजा उस शख्स को देते हैं जिस को कुछ आमदनी हो । एक शख्स की कोई आमदनी नहीं है । वह जमीन पर जुआ खेल रहा है, शहर में रहता है, क्योंकि देहात की वैकेंट लैंड का सवाल है, शहर का नहीं है वह चुपके है इसलिये कि वह् जुआ खेल कर अमदनी करना चाहता है और कई वर्ष बाद फायदा उठाना चाहता है, आप को इस बात को पसन्द नहीं करना चाहिये, क्योंकि गांव की न सही लेकिन शहर की आमदनी रुकती है उस के जुए की वजह से इस से उस की आमदनी पर फर्क नहीं होता क्योंकि वह तो सिर्फ इसलिये बैठा हुआ है कि फायदा उस को मिलेगा । इसलिये जो मुआवजा वैकेंट लैंड का होता है वह दूसरा होता है । चन्द रोज के लिये खाली हो तो सवाल दूसरा होता है । मतलब यह है कि चन्द रोज के लिये जमीन खाली है या वैकेंट लैंड है, इन सब बातों को ले कर आप की पार्लियामेंट और ऐसेम्बली खुद कानन बना सकती है, जिस पर अमल हो । आज कोई ऐसे कायदे नहीं हैं जो कि बदलती हुई दुनिया और बदलते हुए मामलों में एक से हों । कह दिया गया मार्केट वैल्य । मार्केट वैल्यू क्या चीज है ? आज किसी चीज का दाम कुछ है, कल उस का दाम कुछ हो सकता है । हां, एक आध आदमी हो तो भले ही वह जमीन पर जुआ खेल ले । आज हम बहुत सारे मकान बाजार में डाल दें एकदम से । हमारे पास इवैक्वी प्रापर्टी है रिहैबिलिटेशन मिनिस्ट्री, फर्ज कीजिये कि पचास हजार के मकान बाजार में डाल दें तो उन की कीमत क्या रह जायेगी । उन की मार्केट वैल्यू भी गिर जायेगी और दूसरे मकानों की भी गिर जायेगी । आप देखेंगे कि चीज ज्यादा है और खरीददार कम हैं । यह तो सारी चीज इस बात पर मुन्हसर है कि कितनी

खरीदने की चीज है, कितने खरीददार हैं।

इसलिये मैं आप से बहुत अदब से कहता हूं कि आप के सामने मैं ने जो यह विधान की तरमीम रक्खी है वह उसूलन बिल्कुल सीधी साधी और सुथरी है। इस में छोटी मोटी बातों की तरमीम है, यह हो, वह हो, इस पर सेलेक्ट कमेटी गौर कर लेगी। लेकिन इस को इस हैसियत से, मैं उम्मीद करूंगा, आप मंजूर कर लेंगे और सेलेक्ट कमेटी के सुपुर्द करेंगे।

अध्यक्ष महोदय: आप के सामने जो तरमीम आई है उस में एक संशोधन है, मैं पहले वह आप के समक्ष रखता हूं:

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1955."

The motion was negatived.

Mr. Speaker: The question is:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 Members from this House, namely, Shri T. T. Krishnamachari, Shri Hari Vinayak Pataskar, Shri Satya Narayan Sinha, Shri Ghamandi Lal Bansal, Shri Chiman Lal Chakubhai Shah, Shri Avadeshwar Prasad Sinha, Shrimati B. Khongmen, Shri Digvijaya Narain Singh, Shri Tribhuan Narayan Singh, Pandit Munishwar Dutt Upadhyay, Shri Diwan Chand Sharma, Shri Radheshyam Ram Kumar Morarka, Shri Ahmed Mohiuddin, Shri Radhelal Vyas, Shri Wasudeo Kirolikar, Shri Upendranath Barman, Shri T. Sanganna, Shri Kotha Raghuramaiah, Shri Tekur Subrahmanyam, Shri R. Venkataraman, Shri C. P. Mathen, Shri N. C. Chatterjee, Shri Jaipal Singh, Shri Uma Charan Patnaik, Shri Shankar Shantaram More, Shri Amjad Ali, Shri Asoka Mehta, Shrimati Renu Chakravarty, Shri Kamal Kumar Basu and the Mover, and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 31st March, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to Lok Sabha the names of Members to be appointed by Rajya Sabha to the Joint Committee."

The Lok Sabha divided: Ayes 322; Noes 9.

Division No. 2] **AYES** [4-50 P.M.

Abdus Sattar, Shri	Amrit Kaur, Rajkumari	Barman, Shri
Achint Ram, Lala	Ansari, Dr.	Barupal, Shri P. L.
Achuthan, Shri	Asthana, Shri	Basappa, Shri
Agarwal, Shri H. L.	Ayyangar, Shri M. A.	Basu, Shri K. K.
Agrawal, Shri M. L.	Azad, Maulana	Bhagat, Shri B. R.
Ajit Singh, Shri	Azad, Shri Bhagwat Jha	Bhakt Darshan, Shri
Akarpuri, Sardar	Badan Singh, Ch.	Bhandari, Shri
Alagesan, Shri	Balakrishnan, Shri	Bhargava, Pandit M. B.
Altekar, Shri	Balasubramaniam, Shri	Bhargava, Pandit Thakur Dass
Alva, Shri Jochim	Balmiki, Shri	Bhatt, Shri C.
Amjad Ali, Shri	Bansal, Shri	Bheekha Bhai, Shri

Bhonsle, Shri J. K.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Boovaraghasamy, Shri
Borooah, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimala Prosad
Chanda, Shri Anil K.
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chaudhuri, Shri R. K.
Chavda, Shri
Chettiar, Shri Nagappa
Chettiar, Shri T. S. A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Damar, Shri
Damodaran, Shri N. P.
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Dass, Shri N. T.
Das, Shri Ramananda
Das, Shri S. N.
Das, Shri Sarangadhar
Datar, Shri
Deb, Shri S. C.
Deogam, Shri
Desai, Shri K. K.
Desai, Shri K. N.
Deshmukh, Shri C. D.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Dutt, Shri A. K.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I
Elayaperumal, Shri
Gadgil, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Ganpati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghose, Shri S. M.
Ghosh, Shri A.
Ghulam Qader, Shri
Gidwani, Shri
Gohain, Shri
Gopi Ram, Shri
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hansda, Shri Benjamin.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Ibrahim, Shri
Iyyunni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri N. S.
Jaipal Singh, Shri
Jajware, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K. C.
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kakkan, Shri
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Keshavienagar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khardekar, Shri
Khedkar, Shri G. B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kolay, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishna, Shri M. R.
Krishnamachari, Shri T.T.
Krishnappa, Shri M. V.
Krishnaswami, Dr.
Kureel, Shri B.N.
Kureel, Shri P. L.
Lakshmayya, Shri
Lal, Shri R. S.
Lalanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madhiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Mathew, Prof.
Mathen, Shri
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Minimata, Shrimati
Mishra, Shri S. N.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S P.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Mukerjee, Shri H. N.
Mukne, Shri Y. M.
Muniswamy, Shri
Musafir, Giani, G. S.
Muthukrishnan, Shri
Nair, Shri C. K.
Nair, Shri N. Sreekantan
Nanda, Shri
Narasimhan, Shri C. R.
Naskar, Shri P. S.
Natarajan, Shri
Natesan, Shri
Nathwani, Shri N. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Pande, Shri C. D.
Pannalal, Shri
Pant, Shri D.D.
Parekh, Dr. J. N.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pillai, Shri Thanu
Prabhakar, Shri Naval
Punnoose, Shri

Rachiah, Shri N.
Radha Raman, Shri
Raghavachari, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M. H.
Raj Bahadur, Shri
Rajabhoj, Shri P. N.
Ram Dass, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ramaswamy, Shri P.
Ranbir Singh, Ch.
Rane, Shri
Rao, Diwan Raghavendra
Rao, Dr. Rama
Rao, Shri Seshagiri
Raut, Shri Bhola
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Richardson, Bishop
Roy, Shri Bishwa Nath
Rup Narain, Shri
Saha, Shri Meghnad
Sahu, Shri Bhagbat
Saigal, Sardar A. S.
Saksena, Shri Mohanlal
Samanta, Shri S. C.
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrima i Sushama
Sewal, Shri A. R.
Saha, Shri C. C.
Saha, Shri R. N.
Shahnawaz Khan, Shri
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Sharma, Shri R. C.
Shastri, Shri Algu Rai
Shivananjappa, Shri
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D. N.
Singh, Shri Babunath
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri B. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Sodhia, Shri K. C.
Somana, Shri N.
Subrahmanyam, Shri K.
Subrahmanyam, Shri T.
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Prasahad, Shri
Swami, Shri Sivamurthi
Swaminadhan, Shrimati Ammu
Syed Mahmud, Dr.
Tandon, Shri
Telkikar, Shri
Thimmiaiah, Shri
Tivary, Shri V. N.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tripathi, Shri H. V.
Tripathi, Shri V. D.
Tyagi, Shri
Upadhyay, Pandit Munishwar Datt
Upadhya, Shri Shiva Deyal
Upadhyaya, Shri S. D.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri B. R.
Verma, Shri M. L.
Venkataraman, Shri
Vidyalankar, Shri A. N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wilson, Shri, J. N.
Wodeyar, Shri
Zaidi, Col.

NOES

Banerjee, Shri
Chatterjee, Shri N. C.
Deo, Shri R. N. S.
Deshpande, Shri V. G.
Hukam Singh, Sardar
Pandey, Dr. Natabar
Rao, Shri P. Subba
Reddi, Shri Ramachandra
Trivedi, Shri U. M.

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

ESSENTIAL COMMODITIES BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri Venkataraman (Tanjore): I beg to present the Report of the Select Committee on the Bill to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities.

The Lok Sabha then adjourned till Eleven of the clock on Wednesday, the 16th March, 1955.